

6 the secondary roads shall be destroyed by the board of supervisors
 7 and Canada thistle, horse nettle, sow thistle, creeping jenny, European
 8 bind weed (*convolvulus arvensis*) and quack grass growing in the
 9 primary roads shall be destroyed by the highway commission. Nothing
 10 herein shall prevent the landowner from harvesting, in proper
 11 season, the grass grown on the road along his land."

House File 79. Approved May 1, 1937.

CHAPTER 133

MOTOR VEHICLE OPERATORS' LICENSES

H. F. 531

AN ACT to extend the date of expiration of motor vehicle operators' licenses, and to this end to amend section forty-nine hundred sixty-d thirty (4960-d30), code, 1935.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section forty-nine hundred sixty-d thirty (4960-d30),
 2 code, 1935, is hereby amended by striking from lines one (1) and two
 3 (2) the words, "June thirtieth" and by inserting in lieu thereof the
 4 words, "July fifth".

1 SEC. 2. Every operator's license issued under section forty-nine
 2 hundred sixty-d thirty (4960-d30), code, 1935, and not heretofore re-
 3 voked, and expiring on June thirtieth, 1937, is hereby extended to
 4 July fifth, 1937.

1 SEC. 3. This act being deemed of immediate importance shall be in
 2 force and effect from and after its passage and publication in two
 3 newspapers of this state as provided by law.

House File 531. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Bellevue Herald, May 25, 1937, and the Sabula Gazette, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 134

MOTOR VEHICLE LAW

S. F. 181

An ACT to repeal chapter two hundred fifty-one (251), and all amendments thereto, of the code, 1935, and sections forty-six hundred twenty-seven (4627), forty-six hundred eighty-six-C one (4686-C1), forty-six hundred eighty-six-C two (4686-C2), fifty-one hundred five-A thirty-two (5105-A32) to fifty-one hundred five-A thirty-five (5105-A35), inclusive, fifty-one hundred five-C eighteen (5105-C18) to fifty-one hundred five-C twenty-one (5105-C21), inclusive, sixty-seven hundred fifty-four-C one (6754-C1), sixty-seven hundred fifty-four-C two (6754-C2), twelve thousand two hundred twenty-two (12222) to twelve thousand two hundred twenty-eight (12228), inclusive, thirteen thousand eleven (13011) to thirteen thousand thirteen (13013), inclusive, thirteen thousand ninety-two (13092), thirteen thousand one hundred eighteen (13118), thirteen thousand one hundred nineteen (13119), thirteen thousand four hundred seventeen-A one (13417-A1), and thirteen thousand four hundred seventeen-A two (13417-A2) of said code and to enact a substitute therefor, and to amend sections two thousand ten (2010), two thousand eleven (2011), forty-

seven hundred fifty-five-B seven (4755-B7), fifty-one hundred five-A forty-one (5105-A41), fifty-one hundred five-C seventeen (5105-C17), and thirteen thousand ninety-two-D one (13092-D1) of said code, all relating to vehicles and traffic; to provide penalties and liabilities in relation thereto; and to provide for the administration and enforcement thereof.

Be It Enacted by the General Assembly of the State of Iowa:

WORDS AND PHRASES DEFINED

- 1 **SECTION 1. Definitions of words and phrases.** The following words
2 and phrases when used in this chapter shall, for the purpose of this
3 chapter, have the meanings respectively ascribed to them.
- 4 1. *Vehicle* means every device in, upon, or by which any person
5 or property is or may be transported or drawn upon a highway, ex-
6 cepting devices moved by human power or used exclusively upon
7 stationary rails or tracks.
- 8 2. *Motor vehicle* means every vehicle which is self-propelled and
9 every vehicle which is propelled by electric power obtained from
10 overhead trolley wires, but not operated upon rails. The terms car
11 or automobile shall be synonymous with the term motor vehicle.
- 12 3. *Motorcycle* means every motor vehicle having a saddle for the
13 use of the rider and designed to travel on not more than three wheels
14 in contact with the ground but excluding a tractor.
- 15 4. *Motor truck* means every motor vehicle designed primarily for
16 carrying livestock, merchandise, freight of any kind, or over seven
17 persons as passengers.
- 18 5. *Truck tractor* means every motor vehicle designed and used pri-
19 marily for drawing other vehicles and not so constructed as to carry
20 a load other than a part of the weight of the vehicle and load so drawn.
- 21 6. *Farm tractor* means every motor vehicle designed and used
22 primarily as a farm implement for drawing plows, mowing machines,
23 and other implements of husbandry.
- 24 7. *Road tractor* means every motor vehicle designed and used for
25 drawing other vehicles and not so constructed as to carry any load
26 thereon either independently or any part of the weight of a vehicle
27 or load so drawn.
- 28 8. *Trailer* means every vehicle without motive power designed for
29 carrying persons or property and for being drawn by a motor vehicle
30 and so constructed that no part of its weight rests upon the towing
31 vehicle.
- 32 9. *Semitrailer* means every vehicle without motive power designed
33 for carrying persons or property and for being drawn by a motor
34 vehicle and so constructed that some part of its weight and that of its
35 load rests upon or is carried by another vehicle.
- 36 Wherever the word "trailer" is used in this chapter, same shall
37 be construed to also include "semitrailer."
- 38 A "semitrailer" shall be considered in this chapter separately from
39 its power unit.
- 40 10. *Specially constructed vehicle* means every vehicle of a type
41 required to be registered hereunder not originally constructed under
42 a distinctive name, make, model, or type by a generally recognized
43 manufacturer of vehicles and not materially altered from its original
44 construction.

45 11. *Reconstructed vehicle* means every vehicle of a type required
46 to be registered hereunder materially altered from its original con-
47 struction by the removal, addition, or substitution of essential parts,
48 new or used.

49 12. *Essential parts* mean all integral and body parts of a vehicle of
50 a type required to be registered hereunder, the removal, alteration,
51 or substitution of which would tend to conceal the identity of the
52 vehicle or substantially alter its appearance, model, type, or mode
53 of operation.

54 13. *Foreign vehicle* means every vehicle of a type required to be
55 registered hereunder brought into this state from another state, ter-
56 ritory, or country other than in the ordinary course of business by or
57 through a manufacturer or dealer and not registered in this state.

58 14. *Implement of husbandry* means every vehicle which is designed
59 for agricultural purposes and exclusively used by the owner thereof
60 in the conduct of his agricultural operations.

61 15. *Special mobile equipment* means every vehicle not designed or
62 used primarily for the transportation of persons or property and
63 incidentally operated or moved over the highways, including road
64 construction or maintenance machinery, ditch-digging apparatus and
65 well-boring apparatus. The foregoing enumeration shall be deemed
66 partial and shall not operate to exclude other such vehicles which are
67 within the general terms of this paragraph.

68 16. *Pneumatic tire* means every tire in which compressed air is
69 designed to support the load.

70 17. *Solid tire* means every tire of rubber or other resilient mate-
71 rial which does not depend upon compressed air for the support of
72 the load.

73 18. *Metal tire* means every tire the surface of which in contact
74 with the highway is wholly or partly of metal or other hard, non-
75 resilient material.

76 19. *Where a vehicle is kept* shall refer to the county of residence
77 of the owner or to the county where the vehicle is mainly kept if it
78 be different from that of the residence of the owner.

79 20. *Garage* means every place of business where motor vehicles
80 are received for housing, storage, or repair, for compensation.

81 21. *Combination or combination of vehicles* shall be construed to
82 mean a group consisting of two or more motor vehicles, or a group
83 consisting of a motor vehicle and one or more trailers, semitrailers
84 or vehicles, which are coupled or fastened together for the purpose
85 of being moved on the highways as a unit.

86 22. *Gross weight* means the weight of the motor vehicle without
87 load plus the weight of the load thereon.

88 23. *Authorized emergency vehicle* means vehicles of the fire de-
89 partment, police vehicles, and such ambulances and emergency
90 vehicles of municipal departments as are designated or authorized
91 by the commissioner.

92 24. *School Bus* means every vehicle operated for the transportation
93 of children to or from school, except privately owned vehicles, not
94 operated for compensation, or used exclusively in the transportation
95 of the children in the immediate family of the driver.

96 25. *Railroad* means a carrier of persons or property upon cars,
97 other than street cars, operated upon stationary rails.

98 26. *Railroad train* means a steam engine, electric or other motor,
99 with or without cars coupled thereto, operated upon rails, except
100 street cars.

101 27. *Street car* means a car other than a railroad train for trans-
102 porting persons or property and operated upon rails principally
103 within a municipality.

104 28. *Explosives* mean any chemical compound or mechanical mix-
105 ture that is commonly used or intended for the purpose of producing
106 an explosion and which contains any oxidizing and combustive units
107 or other ingredients in such proportions, quantities, or packing that
108 on ignition by fire, by friction, by concussion, by percussion, or by
109 detonator of any part of the compound or mixture may cause such a
110 sudden generation of highly heated gases that the resultant gaseous
111 pressures are capable of producing destructible effects on contiguous
112 objects or of destroying life or limb.

113 29. *Flammable liquid* means any liquid which has a flash point of
114 seventy degrees (70°) F. or less, as determined by a tagliabue or equi-
115 valent closed cup test device.

116 30. *Commissioner* means the commissioner of motor vehicles under
117 the secretary of state.

118 31. *Department* means the department of motor vehicles under the
119 secretary of state acting directly or through its duly authorized of-
120 ficers and agents.

121 32. *Person* means every natural person, firm, copartnership, asso-
122 ciation, or corporation. Where the term "Person" is used in connec-
123 tion with the registration of a motor vehicle, it shall include any cor-
124 poration, association, copartnership, company, firm or other aggrega-
125 tion of individuals which owns or controls such motor vehicle as
126 actual owner, or for the purpose of sale or for renting, whether as
127 agent, salesman, or otherwise.

128 33. *Owner* means a person who holds the legal title of a vehicle or
129 in the event a vehicle is the subject of an agreement for the condi-
130 tional sale or lease thereof with the right of purchase upon perform-
131 ance of the conditions stated in the agreement and with an immediate
132 right of possession vested in the conditional vendee or lessee or in the
133 event a mortgagor of a vehicle is entitled to possession, then such con-
134 ditional vendee or lessee or mortgagor shall be deemed the owner for
135 the purpose of this chapter.

136 34. *Nonresident* means every person who is not a resident of this
137 state.

138 35. *Dealer* means every person engaged in the business of buying,
139 selling or exchanging vehicles of a type required to be registered
140 hereunder and who has an established place of business for such pur-
141 pose in this state.

142 36. *Transporter* means every person engaged in the business of
143 delivering vehicles of a type required to be registered hereunder from
144 a manufacturing, assembling, or distributing plant to dealers or sales
145 agents of a manufacturer.

146 37. *Manufacturer* means every person engaged in the business of
147 constructing or assembling vehicles of a type required to be regis-
148 tered hereunder at an established place of business in this state.

149 38. *Established place of business* means the place actually occupied
150 either continuously or at regular periods by a dealer or manufacturer

151 where his books and records are kept and a large share of his busi-
152 ness is transacted.

153 39. *Operator* means every person, other than a chauffeur, who is in
154 actual physical control of a motor vehicle upon a highway.

155 40. *Chauffeur* means any person who operates a motor vehicle in
156 the transportation of persons or freight, except school children, and
157 who receives any compensation for such service in wages, commission
158 or otherwise, paid directly or indirectly, or who as owner or employee
159 operates a motor vehicle carrying passengers for hire or freight for
160 hire, commission or resale, including drivers of ambulances, passen-
161 ger cars, trucks, light delivery, and similar conveyances except when
162 such operation by the owner is occasional and merely incidental to
163 his principal business.

164 41. *Driver* means every person who drives or is in actual physical
165 control of a vehicle.

166 42. *Peace officer* means every officer authorized to direct or regu-
167 late traffic or to make arrests for violations of traffic regulations in
168 addition to its meaning in section thirteen thousand four hundred
169 five (13405) Code 1935.

170 43. *Local authorities* mean every county, municipal, and other local
171 board or body having authority to adopt local police regulations un-
172 der the constitution and laws of this state.

173 44. *Pedestrian* means any person afoot.

174 45. *Street or highway* means the entire width between property
175 lines of every way or place of whatever nature when any part thereof
176 is open to the use of the public, as a matter of right, for purposes of
177 vehicular traffic.

178 46. *Private road or driveway* means every way or place in private
179 ownership and used for vehicular travel by the owner and those hav-
180 ing express or implied permission from the owner but not by other
181 persons.

182 47. *Roadway* means that portion of a highway improved, designed,
183 or ordinarily used for vehicular travel.

184 48. *Sidewalk* means that portion of a street between the curb lines,
185 or the lateral lines of a roadway, and the adjacent property lines
186 intended for the use of pedestrians.

187 49. *Laned highway* means a highway the roadway of which is di-
188 vided into three or more clearly marked lanes for vehicular traffic.

189 50. *Through (or thru) highway* means every highway or portion
190 thereof at the entrances to which vehicular traffic from intersecting
191 highways is required by law to stop before entering or crossing the
192 same and when stop signs are erected as provided in this chapter or
193 such entrances are controlled by a police officer or traffic-control
194 signal. The term "arterial" shall be synonymous with "through"
195 or "thru" when applied to highways of this state.

196 51. *Intersection* means the area embraced within the prolongation
197 or connection of the lateral curb lines, or, if none, then the lateral
198 boundary lines of the roadways of two highways which join one
199 another at, or approximately at, right angles, or the area within
200 which vehicles traveling upon different highways joining at any
201 other angle may come in conflict.

- 202 52. *Crosswalk* means that portion of a roadway ordinarily in-
 203 cluded within the prolongation or connection of the lateral lines of
 204 sidewalks at intersections, or ;
 205 Any portion of a roadway distinctly indicated for pedestrian cross-
 206 ing by lines or other markings on the surface.
- 207 53. *Safety zone* means the area or space officially set apart within
 208 a roadway for the exclusive use of pedestrians and which is protected
 209 or so marked or indicated by adequate signs as to be plainly visible
 210 at all times while set apart as a safety zone.
- 211 54. *Business district* means the territory contiguous to and includ-
 212 ing a highway when fifty per cent or more of the frontage thereon for
 213 a distance of three hundred feet or more is occupied by buildings in
 214 use for business.
- 215 55. *Residence district* means the territory within a city or town
 216 contiguous to and including a highway, not comprising a business
 217 district or a school district.
- 218 56. *School district* means the territory contiguous to and including
 219 a highway for a distance of two hundred feet in either direction from
 220 a schoolhouse in a city or town.
- 221 57. *Official traffic control devices* mean all signs, signals, mark-
 222 ings, and devices not inconsistent with this chapter placed or erected
 223 by authority of a public body or official having jurisdiction, for the
 224 purpose of regulating, warning, or guiding traffic.
- 225 58. *Official traffic control signal* means any device, whether manu-
 226 ally, electrically or mechanically operated, by which traffic is alter-
 227 nately directed to stop and to proceed.
- 228 59. *Railroad sign or signal* means any sign, signal, or device erected
 229 by authority of a public body or official or by a railroad and intended
 230 to give notice of the presence of railroad tracks or the approach of
 231 a railroad train.
- 232 60. *Traffic* means pedestrians, ridden or herded animals, vehicles,
 233 street cars, and other conveyances either singly or together while
 234 using any highway for purposes of travel.
- 235 61. *Right-of-way* means the privilege of the immediate use of the
 236 highway.

THE DEPARTMENT OF MOTOR VEHICLES

1 SEC. 2. **Motor Vehicle Department.** A division of the office of sec-
 2 retary of state is hereby created to be known as the "motor vehicle
 3 department".

1 SEC. 3. **Commissioner of motor vehicles.** The department shall be
 2 under the control of a civil executive officer to be known as the "com-
 3 missioner of motor vehicles." Said officer shall be appointed by
 4 and serve at the will and pleasure of the secretary of state.

Note: Secs. 4, 5, 6 and 7 omitted in enrolled bill.

1 SEC. 8. **Expenses generally.** The commissioner and officers and
 2 employees of the department shall be reimbursed for all actual and
 3 necessary expenses incurred by them in the discharge of their official
 4 duties when absent from their usual place of abode.

1 SEC. 9. **Bond of commissioner.** The commissioner shall post a bond,
 2 to be approved by the executive council, in such amount as said

3 council shall determine, to insure to the State the faithful discharge
4 of the duties of his office.

1 **SEC. 10. Bonds of employees.** The commissioner may require
2 bonds of appointees and employees other than those herein specifically
3 named. All bonds insuring the fidelity of the commissioner, and of
4 the appointees and employees of the department shall be signed by
5 a surety authorized by law to execute such bonds.

1 **SEC. 11. Premium.** The premium on all the aforesaid bonds shall
2 be paid from the funds of the department.

1 **SEC. 12. Office.** The offices of the department shall be at the seat
2 of government. The executive council shall provide suitable offices.

1 **SEC. 13. Political activity.** Neither the commissioner nor any offi-
2 cer or employee of the department shall, directly or indirectly, exert
3 his influence to induce any person, other officers, or employees of
4 the state to adopt his political views, or to favor any particular can-
5 didate for office, nor to be a candidate for any public office, nor shall
6 the commissioner or any officer or employee of the department con-
7 tribute in any manner, directly or indirectly, any money or other
8 thing of value, to any person, organization or committee for political
9 campaign or election purposes. Any person violating this section
10 shall be removed from his office or position.

1 **SEC. 14. Organization of department.** The commissioner shall or-
2 ganize the department in such manner as he may deem necessary
3 properly to segregate and conduct the work of the department, but
4 the work of the department is hereby divided into at least two di-
5 visions to be known respectively as the division of registration and
6 the division of highway safety and patrol.

1 **SEC. 15. Commissioner to appoint subordinates.** The commissioner
2 shall appoint such deputies, subordinate officers, clerks, investi-
3 gators, and other employees as may be necessary for administration
4 and enforcement of the provisions of this chapter and shall appoint
5 a chief of the division of highway safety and patrol and subordinate
6 officers and employees thereof. All of said appointees shall be sub-
7 ject to the approval of the secretary of state.

1 **SEC. 16. Powers and duties of commissioner.** Subject to the ap-
2 proval of the secretary of state, the commissioner is hereby vested
3 with the power and is charged with the duty of observing, admin-
4 istering, and enforcing the provisions of this chapter and of all
5 laws regulating the operation of vehicles or the use of the highways
6 the enforcement or administration of which is now or hereafter
7 vested in the department. For the purposes of this chapter he shall
8 be deemed a peace officer.

1 **SEC. 17. Rules and regulations.** Subject to the approval of the
2 secretary of state the commissioner is hereby authorized to adopt
3 and enforce such departmental rules and regulations governing
4 procedure as may be necessary to carry out the provisions of this
5 chapter; also to carry out any other laws the enforcement of which
6 is vested in the department.

1 **SEC. 18. Duty to obey.** All local officials charged with the admin-
2 istration and enforcement of this chapter shall be governed in their
3 official acts by the rules promulgated by the department.

1 **SEC. 19. Seal of department.** The secretary of state may adopt
2 an official seal for the use of the department.

1 **SEC. 20. Commissioner to prescribe forms.** The commissioner
2 shall prescribe and provide suitable forms of applications, registra-
3 tion cards, operators' and chauffeurs' licenses, and all other forms
4 requisite or deemed necessary to carry out the provisions of this chap-
5 ter and any other laws, the enforcement and administration of which
6 are vested in the department.

1 **SEC. 21. Authority to administer oaths.** Officers and employees
2 of the department designated by the commissioner are, for the pur-
3 pose of administering the motor vehicle laws, authorized to admin-
4 ister oaths and acknowledge signatures, and shall do so without fee.

1 **SEC. 22. Certified copies of records.** The commissioner and such
2 officers of the department as he may designate are hereby authorized
3 to prepare under the seal of the department and deliver upon request
4 a certified copy of any record of the department, charging a fee of
5 fifty cents for each document so authenticated, and every such certi-
6 fied copy shall be admissible in any proceeding in any court in like
7 manner as the original thereof.

1 **SEC. 23. Records of department.** All records of the department,
2 other than those declared by law to be confidential for the use of the
3 department, shall be open to public inspection during office hours.

1 **SEC. 24. Obsolete records destroyed.** The commissioner may de-
2 stroy any records of the department which have been maintained on
3 file for three years which he may deem obsolete and of no further
4 service in carrying out the powers and duties of the department.

1 **SEC. 25. Authority to grant or refuse applications.** The depart-
2 ment shall examine and determine the genuineness, regularity, and
3 legality of every application for an operator's or chauffeur's license,
4 and of any other application lawfully made to the department, and
5 may in all cases make investigation as may be deemed necessary or
6 require additional information, and shall reject any such applica-
7 tion if not satisfied of the genuineness, regularity, or legality thereof
8 or the truth of any statement contained therein, or for any other
9 reason, when authorized by law.

1 **SEC. 26. Seizure of documents and plates.** The department is
2 hereby authorized to take possession of any registration card, permit,
3 license, or registration plate upon expiration, revocation, cancelation,
4 or suspension thereof, or which is fictitious, or which has been un-
5 lawfully or erroneously issued.

1 **SEC. 27. Publication of law.** The department shall issue such parts
2 of this chapter in pamphlet form, together with such rules, instruc-
3 tions, and explanatory matter as may seem advisable. Copies of

4 such pamphlet shall be given as wide distribution as the department
5 shall determine and a supply shall be furnished each county treasurer.

Note: Sec. 28 omitted in enrolled bill.

1 **SEC. 29. Giving of notices.** Whenever the department is author-
2 ized or required to give any notice under this chapter or other law
3 regulating the operation of vehicles, unless a different method of
4 giving such notices is otherwise expressly prescribed, such notice
5 shall be given either by personal delivery thereof to the person to
6 be so notified or by registered mail addressed to such person at his
7 address as shown by the records of the department. Return ac-
8 knowledgment is required to prove such latter service.
9 Proof of the giving of notice by personal service may be made by
10 the certificate of any officer or employee of the department or affi-
11 davit of any person over eighteen years of age, naming the person
12 to whom such notice was given and specifying the time, place, and
13 manner of the giving thereof.

SAFETY PATROL

1 **SEC. 30. Patrol created.** The motor vehicle department shall suc-
2 ceed to the administration and control of the Iowa highway safety
3 patrol of fifty-three men heretofore established.

1 **SEC. 31. Number authorized.** The motor vehicle department is
2 hereby authorized to employ, upon the effective date of this chapter,
3 not to exceed seventy-five additional men to supplement said patrol,
4 and not more than sixty per cent of all employees shall at any time
5 be members of the same political party.

1 **SEC. 32. Supervisors.** The commissioner is authorized to desig-
2 nate a chief, a first and a second assistant, and not to exceed four-
3 teen men, from said patrol, as supervisory officers of said patrol.

1 **SEC. 33. Qualifications.** Such appointees shall be selected after
2 an examination as to physical and mental fitness, to be prescribed
3 by the commissioner and at time of appointment shall be citizens and
4 residents of the state of Iowa and of good moral character and shall
5 not be less than twenty-five years of age.

1 **SEC. 34. Dismissals.** During the period of six months after ap-
2 pointment any member of the Iowa highway safety patrol shall be
3 subject to dismissal at the will of the commissioner. After six
4 months' service no member of the patrol shall be subject to dismissal
5 unless charges have been filed with the secretary of the executive
6 council showing cause for dismissal of appointee as a member of
7 the Iowa highway safety patrol.

1 **SEC. 35. Hearing.** A date shall be set for hearing, on said dis-
2 missal, before the executive council and the appointee notified in
3 writing of date of such hearing and of charges filed. Said hearing
4 shall be held not less than ten days after notification to appointee.
5 After hearing, at which the appointee shall be entitled to legal coun-
6 sel, a majority vote of the members of the executive council shall be
7 necessary for dismissal and their decision shall be final.

1 **SEC. 36. Duties—power to arrest.** The duties of the Iowa high-
 2 way safety patrol shall be the enforcement of the provisions of this
 3 chapter relating to the regulation of motor vehicles and laws of the
 4 road. They shall also have the power and it shall be their duty to
 5 arrest without warrant any person or persons committing or at-
 6 tempting to commit within their presence or view a breach of peace
 7 or other violation of the law.

1 **SEC. 37. Enforcement.** It shall also be the duty of the mayors of
 2 cities and towns, and all peace officers, to enforce the provisions of
 3 this chapter.

1 **SEC. 38. Training school.** The commissioner is hereby authorized
 2 to set up a training school for patrolmen and shall prescribe the rules
 3 and regulations of such school and period of training to be required
 4 of appointees to the Iowa highway safety patrol, and may send to
 5 recognized officers training schools such officers as the commissioner
 6 may deem advisable for periods not to exceed one month in any cal-
 7 endar year. The expenses of such training and school shall be paid
 8 in the same manner as other expenses of the patrol.

1 **SEC. 39. Equipment.** The motor vehicle department is hereby
 2 authorized to purchase uniforms and necessary equipment for the use
 3 of the patrol, and to pay expenses of same.

1 **SEC. 40. Bond.** Prior to entering upon the discharge of his duties,
 2 each of such appointees shall furnish to the department a surety bond
 3 to the state, conditioned upon a faithful discharge of his duties, in
 4 the sum of five thousand dollars. The premium on said bond shall be
 5 paid from department funds.

1 **SEC. 41. Salaries.** The salaries of the patrol shall be set by the
 2 commissioner with the approval of the governor and state comptroller,
 3 but shall not exceed the following:

4	Chief of patrol.....	\$250.00 per month
5	Assistant chiefs	\$165.00 per month
6	Supervisors	\$135.00 per month
7	Patrolmen after one year of service as a patrol-	
8	man or a driver's license examiner.....	\$125.00 per month
9	Patrolmen with less than one year's service.....	\$100.00 per month

1 **SEC. 42. Expenditures.** All salaries and expenses for the patrol
 2 shall be paid from the maintenance fund of the motor vehicle depart-
 3 ment.

1 **SEC. 43. Prohibited uniforms.** It shall be unlawful for any mem-
 2 ber of the highway patrol, while on duty as such, to wear any uniform
 3 of the United States army, navy, marine corps, or the national guard,
 4 or any part of such uniform, or a uniform or a part of a uniform
 5 similar thereto within the state. Anyone violating the provisions of
 6 this section is guilty of a misdemeanor and upon conviction shall be
 7 punished as provided in section five hundred (500).

1 **SEC. 44. Badges of office.** The commissioner shall issue to each
 2 member of the division of highway safety and patrol a badge of author-
 3 ity. Every such badge shall be serially numbered or each member
 4 shall otherwise display a distinctive serial number.

1 **SEC. 45. Badges to unauthorized persons.** Neither the commis-
2 sioner nor any other person shall issue any badge to any person who
3 is not a duly appointed and acting member of said division.

1 **SEC. 46. Unauthorized person wearing badge.** Any person who
2 without authority wears the badge of a member of said division, or a
3 badge of similar design which would tend to deceive anyone, is guilty
4 of a misdemeanor punishable as provided in section five hundred (500).

1 **SEC. 47. Impersonating officer.** Any person who impersonates a
2 member of said division or other officer or employee of the department
3 with intent to deceive anyone, or wears a uniform likely to be con-
4 fused with the official uniform of any such officer, is guilty of a mis-
5 demeanor punishable as provided in section five hundred (500).

ORIGINAL AND RENEWAL OF REGISTRATION

1 **SEC. 48. Misdemeanor to violate registration provisions.** It is a
2 misdemeanor punishable as provided in section five hundred (500), for
3 any person to drive or move or for an owner knowingly to permit to be
4 driven or moved upon any highway any vehicle of a type required to be
5 registered hereunder which is not registered, or for which the appro-
6 priate fee has not been paid when and as required hereunder.

1 **SEC. 49. Vehicles subject to registration—exception.** Every motor
2 vehicle, trailer, and semitrailer when driven or moved upon a high-
3 way shall be subject to the registration provisions of this chapter
4 except:

5 1. Any such vehicle driven or moved upon a highway in conform-
6 ance with the provisions of this chapter relating to manufacturers,
7 transporters, dealers, or nonresidents as contemplated by section
8 eighty-four (84), or under a temporary registration permit issued by
9 the department as hereinafter authorized;

10 2. Any such vehicle which is driven or moved upon a highway only
11 for the purpose of crossing such highway from one property to
12 another;

13 3. Any implement of husbandry;

14 4. Any special mobile equipment as herein defined.

1 **SEC. 50. General exemptions.** All motor vehicles owned by the
2 government and used in the transaction of official business by the rep-
3 resentatives of foreign powers or by officers, boards, or departments
4 of the government of the United States, and by the state of Iowa,
5 counties, municipalities and other subdivisions of government, and
6 such self-propelling vehicles as are used neither for the conveyance
7 of persons for hire, pleasure or business nor for the transportation of
8 freight, and all fire trucks, providing they are not owned and operated
9 for a pecuniary profit, are hereby exempted from the payment of the
10 fees in this chapter prescribed, but shall not be exempt from the
11 penalties herein provided. The department shall furnish, on applica-
12 tion, free of charge, distinguishing plates for motor vehicles thus
13 exempted and keep a separate record thereof.

1 **SEC. 51. Application for registration.** Every owner of a vehicle
2 subject to registration hereunder shall make application to the county
3 treasurer, of the county of his residence, for the registration thereof

4 upon the appropriate form or forms furnished by the department and
 5 every such application shall bear the signature of the owner written
 6 with pen and ink and said signature shall be acknowledged by the
 7 owner before a person authorized to administer oaths and said appli-
 8 cation shall contain:

9 1. The name, bona fide residence and mail address of the owner or
 10 business address of the owner if a firm, association or corporation;

11 2. A description of the vehicle including, insofar as the hereinafter
 12 specified data may exist with respect to a given vehicle, the make,
 13 model, type of body, the number of cylinders, the serial number of the
 14 vehicle, the engine or other number of the vehicle and whether new or
 15 used and if a new vehicle the date of sale by the manufacturer or
 16 dealer to the person intending to operate such vehicle;

17 3. Such further information as may reasonably be required by the
 18 department.

1 **SEC. 52. Registration by treasurer.** Upon receipt of the applica-
 2 tion and registration fee for a motor vehicle or trailer, as provided in
 3 this chapter, the county treasurer shall file such application in his
 4 office and register such motor vehicle or trailer with the name, post-
 5 office address and business address of the owner, together with the
 6 facts stated in such application, in a book or index to be kept for the
 7 purpose, under the distinctive number assigned to such motor vehicle
 8 or trailer.

1 **SEC. 53. Public inspection.** Said book or index shall be open to
 2 public inspection during reasonable business hours.

1 **SEC. 54. Specially constructed, reconstructed, or foreign vehicles.**

2 (1) In the event the vehicle to be registered is a specially constructed,
 3 reconstructed, or foreign vehicle, such fact shall be stated in the appli-
 4 cation and with reference to every foreign vehicle which has been
 5 registered heretofore outside of this state the owner shall surrender
 6 to the treasurer all registration plates, registration cards, and certifi-
 7 cates of title or other evidence of such foreign registration as may be
 8 in his possession or under his control except as provided in subdivision
 9 (2) hereof.

10 (2) Where in the course of interstate operation of a vehicle regis-
 11 tered in another state it is desirable to retain registration of said
 12 vehicle in such other state, such applicant need not surrender but shall
 13 submit for inspection said evidence of such foreign registration and
 14 the treasurer upon a proper showing shall register said vehicle in this
 15 state.

1 **SEC. 55. Quadruple receipts.** Upon receipt of a registration fee
 2 for a motor vehicle or trailer, the county treasurer shall issue quad-
 3 ruple receipts therefor, one of which shall be delivered to the regis-
 4 trant, two of which shall be forwarded to the department not later
 5 than the 10th day of the month following their issuance, and one of
 6 which the treasurer shall retain in the records of his office.

1 **SEC. 56. "Registration-applied-for" cards.** Upon the sale of a
 2 motor vehicle by a manufacturer or dealer, the vendee shall at once
 3 make application by mail or otherwise, for registration thereof, after
 4 which he may operate the same upon the public highway without its

5 individual number plate thereon for a period of not more than five
6 days, provided that during such period the motor vehicle shall have
7 attached thereto, in accordance with the provisions hereof, both on
8 the front and rear of such vehicle, pasteboard cards bearing the words,
9 "registration applied for" and the registration number of the dealer
10 from whom the vehicle was purchased together with the date of pur-
11 chase plainly stamped or stenciled thereon.

1 **SEC. 57. Card issued conditionally.** No manufacturer or dealer
2 shall permit the use of such card until an application for a registra-
3 tion has been made, as herein provided, by the person to whom it is
4 issued.

1 **SEC. 58. Cards furnished.** The department shall, upon the appli-
2 cation of any manufacturer or dealer furnish "registration applied
3 for" cards free of charge. No cards shall be used except those fur-
4 nished by the department.

1 **SEC. 59. Failure to register.** The treasurer shall withhold the
2 registration of any motor vehicle the owner of which shall have failed
3 to register the same under the provisions of this chapter, for any
4 previous period or periods for which it appears that registration should
5 have been made, until the fee for such previous period or periods shall
6 be paid.

1 **SEC. 60. Renewal not permitted.** Any motor vehicle once regis-
2 tered in the state and by removal no longer subject to registration in
3 this state, shall upon being returned to this state and subject to regis-
4 tration be again registered in accordance with section fifty-one (51).

1 **SEC. 61. Grounds for refusing registration.** The treasurer shall
2 refuse registration or any transfer of registration upon any of the
3 following grounds:

4 1. That the application contains any false or fraudulent statement
5 or that the applicant has failed to furnish required information or
6 reasonable additional information requested by the department or
7 that the applicant is not entitled to registration of the vehicle under
8 this chapter;

9 2. That the vehicle is mechanically unfit or unsafe to be operated
10 or moved upon the highways, providing such condition is revealed by
11 a member of this department, or any peace officer;

12 3. That the treasurer has reasonable ground to believe that the
13 vehicle is a stolen or embezzled vehicle or that the granting of regis-
14 tration would constitute a fraud against the rightful owner;

15 4. That the registration of the vehicle stands suspended or revoked
16 for any reason as provided in the motor vehicle laws of this state;

17 5. That the required fee has not been paid;

18 6. That the required sales tax has not been paid.

1 **SEC. 62. Files required.** The department shall install and main-
2 tain a numerical, an alphabetical, and a motor number file, using for
3 such files the duplicate registration receipts, which shall contain the
4 following information, viz: name and address of owner, previous
5 registration number, make, factory number, model, style, engine
6 number, date of purchase, registration certificate number, rated load

7 carrying capacity, weight, list price or value of the vehicle as fixed
8 by the department, fees paid and date of payment.

1 **SEC. 63. Registration card signed, carried, and exhibited.** Every
2 owner upon receipt of a registration card shall write his signature
3 thereon with pen and ink in the space provided. Every such regis-
4 tration card shall at all times be carried in the vehicle to which it
5 refers and shall be displayed in the container furnished by the de-
6 partment. Such certificate container shall be attached to the vehicle
7 in the driver's compartment so that same may be plainly seen with-
8 out entering the car.

1 **SEC. 64. Exception.** The provisions requiring that a registration
2 card be carried in the vehicle to which it refers shall not apply when
3 such card is used for the purpose of making application for renewal of
4 registration or upon a transfer of registration of said vehicle.

1 **SEC. 65. Plates furnished.** The county treasurer upon receiving
2 application, accompanied by proper fee, for registration of a vehicle
3 shall issue to the owner one registration plate for a motorcycle, trailer,
4 or semitrailer and two registration plates for every other motor
5 vehicle.

1 **SEC. 66. Numbers on plates.** Every registration plate shall have
2 displayed upon it the registration number assigned to the vehicle for
3 which it is issued, also the name of this state, which may be abbrevi-
4 ated, and the year number for which it is issued or the date of
5 expiration thereof.

1 **SEC. 67. Size of numbers.** Such registration plate and the re-
2 quired letters and numerals thereon, except the year number for
3 which issued, shall be of sufficient size to be plainly readable from a
4 distance of one hundred feet during day light.

1 **SEC. 68. Display of plates.** Registration plates issued for a motor
2 vehicle other than a motorcycle shall be attached thereto, one in the
3 front and the other in the rear. The registration plate issued for a
4 motorcycle or other vehicle required to be registered hereunder shall
5 be attached to the rear thereof.

1 **SEC. 69. Plates, method of attaching.** Every registration plate
2 shall at all times be securely fastened in a horizontal position to the
3 vehicle for which it is issued so as to prevent the plate from swinging
4 and at a height of not less than twelve inches from the ground, mea-
5 suring from the bottom of such plate, in a place and position to be
6 clearly visible and shall be maintained free from foreign materials
7 and in a condition to be clearly legible.

1 **SEC. 70. Expiration of registration.** Every vehicle registration
2 under this chapter and every registration card and registration plate
3 issued hereunder shall expire at midnight on the thirty-first day of
4 December of each year.

1 **SEC. 71. Application for renewal.** Application for renewal of a
2 vehicle registration shall be made on or after December first of the
3 year for which it is registered by the owner upon proper application

4 and by payment of the registration fee for such vehicle, as provided
5 by law.

1 **SEC. 72. Change of address or name.** Whenever any person after
2 making application for or obtaining the registration of a vehicle shall
3 move from the address named in the application or shown upon a
4 registration card such person shall within ten days thereafter notify
5 the department in writing of his old and new addresses.

6 Whenever the name of any person who has made application for or
7 obtained the registration of a vehicle is thereafter changed by mar-
8 riage or otherwise such person shall within ten days notify the depart-
9 ment of such former and new name.

1 **SEC. 73. Lost or damaged certificates, cards, and plates.** In the
2 event any registration card or registration plate is lost, mutilated, or
3 becomes illegible the owner shall immediately make application for
4 and may obtain a duplicate upon the applicant furnishing informa-
5 tion satisfactory to the department together with the payment of a
6 fee of fifty cents for each such plate or registration card.

1 **SEC. 74. New identifying numbers.** The department is authorized
2 to assign a distinguishing number to a motor vehicle whenever the
3 serial number thereon is destroyed or obliterated and to issue to the
4 owner a special plate bearing such distinguishing number which
5 shall be affixed to the vehicle in a position to be determined by the
6 commissioner. Such motor vehicle shall be registered under such
7 distinguishing number in lieu of the former serial number.

1 **SEC. 75. Regulations governing change of motors.** The commis-
2 sioner is authorized to adopt and enforce such registration rules and
3 regulations as may be deemed necessary and compatible with the
4 public interest with respect to the change or substitution of one en-
5 gine in place of another in any motor vehicle.

TRANSFERS OF TITLE OR INTEREST

1 **SEC. 76. Notice.** Upon the transfer of ownership of any regis-
2 tered motor vehicle, the owner shall immediately give notice to the
3 county treasurer, upon the form on the reverse side of the certificate
4 of registration, stating the date of such transfer, the name and post-
5 office address, with street number if in a city, of the person to whom
6 transferred, the registration number, and such other information as
7 the department may require.

1 **SEC. 77. Duty of purchaser.** The purchaser of the motor vehicle
2 shall join in the notice of transfer to the county treasurer and shall
3 at the same time make application for the transfer of the motor
4 vehicle and for a new certificate of registration. No transfer shall
5 be made on presentation of a delinquent registration certificate.

1 **SEC. 78. Registration and fee.** Upon filing the application for
2 transfer, the applicant shall pay a fee of fifty cents for the transfer,
3 thereupon the county treasurer, if satisfied of the genuineness and
4 regularity of such transfer, shall register said motor vehicle in the
5 name of the transferee and issue a new certificate of registration as
6 provided in this chapter.

1 **SEC. 79. Department notified—record.** The county treasurer shall
2 forthwith notify the department of the transfer and upon receipt
3 of the notification, the department shall file such statement and note
4 upon the registration book or index, said change of ownership.

1 **SEC. 80. Dealer transfers.** The provisions provided for herein for
2 the transfer of motor vehicles shall apply to the sale and transfer of
3 all motor vehicles by or to manufacturers or dealers.

1 **SEC. 81. Penalty.** If a transfer of ownership of a motor vehicle is
2 not completed as herein provided within five days of the actual
3 change of possession, a penalty of five dollars shall accrue against
4 said vehicle, and no certificate of registration therefor shall there-
5 after issue until said penalty is paid.

1 **SEC. 82. Owner after transfer not liable for negligent operation.**
2 The owner of a motor vehicle who has made a bona fide sale or trans-
3 fer of his title or interest and who has delivered possession of such
4 vehicle to the purchaser or transferee shall not be liable for any
5 damages thereafter resulting from negligent operation of such
6 vehicle by another.

1 **SEC. 83. Surrender of plates.** When a motor vehicle is perma-
2 nently dismantled and can no longer be used on the public highway
3 or when same is sold outside the state, the owner thereof shall de-
4 tach the registration plates and certificate of registration and sur-
5 render them to the county treasurer who shall cancel the registra-
6 tion of record and report such cancellation forthwith to the depart-
7 ment upon blanks provided for that purpose. Such registration
8 plates shall be destroyed by the county treasurer who shall so advise
9 the department.

PERMITS TO NONRESIDENT OWNERS

1 **SEC. 84. Nonresident owners exempt.** A nonresident owner, ex-
2 cept as otherwise provided in sections eighty-five (85) and eighty-
3 six (86), owning any foreign vehicle of a type otherwise subject to
4 registration may operate or permit the operation of such vehicle
5 within this state without registering such vehicle in, or paying any
6 fees to, this state subject to the condition that such vehicle at all
7 times when operated in this state is duly registered in, and displays
8 upon it a valid registration card and registration plate or plates
9 issued for such vehicle in the place of residence of such owner.

1 **SEC. 85. Nonresident carriers.** Nonresident owners of foreign
2 vehicles operated within this state for the intrastate transportation
3 of persons or property for compensation or for the intrastate trans-
4 portation of merchandise, shall register each such vehicle and pay
5 the same fees therefor as is required with reference to like vehicles
6 owned by residents of this state.

1 **SEC. 86. Nonresidents employed in state.** Every nonresident, in-
2 cluding any foreign corporation, engaged in remunerative employ-
3 ment or carrying on business within this state and owning and op-
4 erating any motor vehicle, trailer, or semitrailer within this state,
5 shall be required to register each such vehicle and pay the same fees

6 therefor as is required with reference to like vehicles owned by resi-
7 dents of this state.

1 **SEC. 87. Scope of exemption.** The provisions of section eighty-
2 four (84) shall be operative as to a motor vehicle owned by a non-
3 resident of this state to the extent that under the laws of the foreign
4 country, state, territory, or federal district of his residence like ex-
5 emptions and privileges are granted to motor vehicles duly regis-
6 tered under the laws, and owned by the residents of this state.

7 Nonresident cars shall be listed within ten days after entering the
8 state, with the county treasurer or department who will issue a per-
9 mit for the period of exemption.

SPECIAL PLATES TO MANUFACTURERS, TRANSPORTERS, AND DEALERS

1 **SEC. 88. Operation under special plates.** A manufacturer or
2 dealer owning any vehicle of a type otherwise required to be regis-
3 tered hereunder may operate or move the same upon the highways
4 solely for purposes of transporting, testing, demonstrating, or use
5 in the ordinary course and conduct of his business as a dealer or
6 manufacturer, or selling the same without registering each such
7 vehicle upon condition that any such vehicle display thereon in the
8 manner prescribed in sections sixty-eight (68) and sixty-nine (69)
9 a special plate or plates issued to such owner as provided in sections
10 eighty-nine (89) to ninety-three (93), inclusive.

11 Also a transporter may operate or move any vehicle of like type
12 upon the highways solely for the purpose of delivery upon likewise
13 displaying thereon like plates issued to him as provided in these
14 sections.

15 The provisions of this section and sections eighty-nine (89) to
16 ninety-three (93), inclusive, shall not apply to work or service
17 vehicles owned by a manufacturer, transporter, or dealer.

1 **SEC. 89. Application.** Any manufacturer, transporter, or dealer
2 may, upon payment of a fee of twenty-five dollars, make application
3 to the department upon the appropriate form for a certificate con-
4 taining a general distinguishing number and for one or more pairs
5 of special plates or single special plates as appropriate to various
6 types of vehicles subject to registration hereunder. The applicant
7 shall also submit proof of his status as a bona fide manufacturer,
8 transporter, or dealer as may reasonably be required by the depart-
9 ment. Dealers in new vehicles shall furnish satisfactory evidence
10 of a valid franchise with the manufacturer of such vehicles author-
11 izing such dealership.

1 **SEC. 90. Issuance of certificate.** The department, upon granting
2 any such application, shall issue to the applicant a certificate con-
3 taining the applicant's name and address and the general distinguish-
4 ing number assigned to the applicant.

1 **SEC. 91. Issuance of plates.** The department shall also issue spe-
2 cial plates as applied for, which shall have displayed thereon the
3 general distinguishing number assigned to the applicant. Each plate
4 or pair of plates so issued shall also contain a number or symbol

5 identifying the same from every other plate or pair of plates bearing
6 the same general distinguishing number. The fee for each pair of
7 special plates shall be three dollars.

1 **SEC. 92. Expiration of special plates.** Every special plate issued
2 hereunder shall expire at midnight on the thirty-first day of De-
3 cember of each year, and a new plate or plates for the ensuing year
4 may be obtained by the person to whom any such expired plate or
5 plates was issued upon application to the department and payment
6 of the fee provided by law.

1 **SEC. 93. Records required.** Every manufacturer, transporter, or
2 dealer shall keep a written record of the vehicles upon which such
3 special plates are used, which record shall be open to inspection by
4 any police officer or any officer or employee of the department.

1 **SEC. 94. Different places of business.** If a manufacturer, trans-
2 porter, or dealer has an established place of business in more than
3 one city or town, he shall secure a separate and distinct certificate
4 of registration and number plates for each such place of business.

1 **SEC. 95. Scope of registration.** The foregoing provision relative
2 to the right of a manufacturer, transporter, or dealer to have a gen-
3 eral registration of all motor vehicles owned or controlled by him
4 shall not apply to a motor vehicle operated by him for private use
5 or hire, but said vehicle shall be individually registered as provided
6 in this chapter.

1 **SEC. 96. Garage record.** Every person or corporation operating a
2 public garage shall keep for public inspection a record of the regis-
3 tration number and engine or factory serial number of every motor
4 vehicle offered for sale or taken in for repairs in said garage.

1 **SEC. 97. Duty to hold vehicles.** The proprietor of a garage and his
2 employees upon discovering that the engine number of a motor
3 vehicle has been altered or obliterated shall immediately notify some
4 peace officer of the county in which the garage is located, and hold
5 said vehicle for a period of twenty-four hours or until investigation
6 shall have been made by such peace officer.

USED MOTOR VEHICLES

1 **SEC. 98. Purchase or sale—relative duties.** It shall be unlawful
2 for any person or agent except as provided in section ninety-nine
3 (99) to buy any second-hand or used motor vehicle, without requir-
4 ing and receiving from the vendor thereof, a certificate of registra-
5 tion, certificate of title if required in state of its registration, and
6 transfer from the officer whose duty it is to register motor vehicles
7 in the state in which said motor vehicle is registered, showing the
8 factory number, registration number, description, and ownership
9 of said motor vehicle or to sell or offer for sale any second-hand or
10 used motor vehicle without furnishing to the vendee of said motor
11 vehicle, a certificate of registration, and transfer from the officer
12 whose duty it is to register motor vehicles in the state in which said
13 motor vehicle is registered, showing the factory number, description,
14 registration number, and ownership of said motor vehicle.

1 **SEC. 99. Sale in bulk.** It shall be unlawful for any dealer in this
2 state to sell and transfer his stock of used motor vehicles in bulk
3 unless he complies with the following requirements:

4 1. The vendor shall:

5 a. File with the county treasurer and the department, duplicate
6 inventories of all used motor vehicles proposed to be transferred,
7 giving the factory number, last registration number, if any, and
8 description of each such used motor vehicle and the name and ad-
9 dress of proposed vendee.

10 b. File with the county treasurer and department duplicate bills
11 of sale setting forth the fact that such sale has been completed.

12 2. The vendee shall, if he has not already secured a dealer's regis-
13 tration, immediately secure such registration from the department.

14 3. The vendor and vendee shall join in the transfer of each used
15 motor vehicle in said stock and shall file with the county treasurer
16 a transfer of registration and shall pay a transfer fee of fifty cents
17 for each such used motor vehicle.

18 Upon the completion of such requirements the department shall
19 certify to the county treasurer that such used motor vehicles are,
20 from and after a date to be set by the department, the property of
21 the vendee.

1 **SEC. 100. Right to operate.** Registered car dealers having on hand
2 February first of any year for sale or trade, used motor vehicles upon
3 which registration in Iowa for the previous year has been paid, as
4 hereinafter provided, may operate such motor vehicles as provided
5 by section eighty-eight (88) hereof.

1 **SEC. 101. Dealer to list vehicles.** Dealers registered under the
2 provisions of this chapter must, on or before February fifth of each
3 year, furnish the county treasurer and department with a list of all
4 used motor vehicles held by them for sale or trade, and upon which
5 the registration fee for the current year is not paid, giving regis-
6 tration number, initials of state issuing registration plates, the year,
7 together with the factory number, description, and previous owner-
8 ship at the time such motor vehicle was transferred to the dealer.

1 **SEC. 102. Listing of foreign cars.** All motor vehicles owned or
2 controlled by a registered manufacturer or dealer, and acquired from
3 other states must be listed with the county treasurer and depart-
4 ment as provided in section one hundred one (101), such listing to
5 be made within forty-eight hours after said motor vehicle comes
6 within the border of the state.

SPECIAL ANTITHEFT LAW

1 **SEC. 103. Report of stolen and recovered motor vehicles.** Every
2 sheriff, chief of police, or peace officer upon receiving reliable in-
3 formation that any vehicle registered hereunder has been stolen shall
4 immediately report such theft to the department unless prior thereto
5 information has been received of the recovery of such vehicle. Any
6 said officer upon receiving information that any vehicle, which he
7 has previously reported as stolen, has been recovered, shall immedi-
8 ately report the fact of such recovery to the local sheriff's office or
9 police department and to the department.

1 **SEC. 104. Reports by owners.** The owner, or person having a lien
2 or incumbrance upon a registered vehicle which has been stolen or
3 embezzled, may notify the department of such theft or embezzlement,
4 but in the event of an embezzlement may make such report only after
5 having procured the issuance of a warrant for the arrest of the per-
6 son charged with such embezzlement.

7 Every owner or other person who has given any such notice must
8 notify the department of a recovery of such vehicle.

1 **SEC. 105. Action by department.** The department upon receiving
2 a report of a stolen or embezzled vehicle as hereinbefore provided
3 shall file and appropriately index the same and shall immediately
4 suspend the registration of the vehicle so reported and shall not
5 transfer the registration of the same until such time as it is notified
6 in writing that such vehicle has been recovered.

1 **SEC. 106. Bulletin of stolen vehicles.** The department shall at
2 least once each week compile and publish a list of motor vehicles re-
3 ported stolen and all motor vehicles recovered, and shall send a copy
4 thereof to each chief of police and sheriff in the state, and to the
5 motor vehicle departments of each of the several states and also main-
6 tain at its headquarters office a list of all vehicles which have been
7 stolen or embezzled or recovered as reported to it during the pre-
8 ceding week and such lists shall be open to inspection by any peace
9 officer or other person interested in any such vehicle.

1 **SEC. 107. Report of stolen motor vehicles.** It shall be the duty of
2 the department of motor vehicles to forthwith report, upon blanks
3 to be furnished by the bureau of criminal investigation, all thefts of
4 motor vehicles coming to its attention and to report the recovery of
5 motor vehicles previously stolen to the bureau of criminal investi-
6 gation.

1 **SEC. 108. Operating without consent.** If any chauffeur or other
2 person shall without the consent of the owner take, or cause to be
3 taken, any automobile or motor vehicle, and operate or drive, or cause
4 the same to be operated or driven, he shall be imprisoned in the
5 penitentiary not to exceed one year, or be imprisoned in the county
6 jail not to exceed six months, or be fined not to exceed five hundred
7 dollars.

1 **SEC. 109. Receiving or transferring stolen vehicle.** Any person
2 who, with intent to procure or pass title to a vehicle which he knows
3 or has reason to believe has been stolen or unlawfully taken, receives,
4 or transfers possession of the same from or to another, or who has
5 in his possession any vehicle which he knows or has reason to believe
6 has been stolen or unlawfully taken, and who is not an officer of the
7 law engaged at the time in the performance of his duty as such of-
8 ficer, is guilty of a felony and shall be punished as provided in sec-
9 tion five hundred one (501).

1 **SEC. 110. Injuring or tampering with vehicle.** Any person who
2 either individually or in association with one or more other persons
3 wilfully injures or tampers with any vehicle or breaks or removes
4 any part or parts of or from a vehicle without the consent of the

5 owner is guilty of a misdemeanor punishable as provided in section
6 five hundred (500).

1 **SEC. 111. Intent to injure.** Any person who with intent to com-
2 mit any malicious mischief, injury, or other crime climbs into or
3 upon a vehicle whether it is in motion or at rest or with like intent
4 attempts to manipulate any of the levers, starting mechanism, brakes,
5 or other mechanism or device of a vehicle while the same is at rest
6 and unattended or with like intent sets in motion any vehicle while
7 the same is at rest and unattended is guilty of a misdemeanor pun-
8 ishable as provided in section five hundred (500).

1 **SEC. 112. Vehicles without manufacturers' numbers.** Any person
2 who knowingly buys, receives, disposes of, sells, offers for sale, or
3 has in his possession any motor vehicle, or engine removed from a
4 motor vehicle, from which the manufacturer's serial or engine num-
5 ber or other distinguishing number or identification mark or num-
6 ber placed thereon under assignment from the department has been
7 removed, defaced, covered, altered, or destroyed for the purpose of
8 concealing or misrepresenting the identity of said motor vehicle or
9 engine is guilty of a misdemeanor punishable as provided in section
10 five hundred (500).

1 **SEC. 113. Presumptive evidence.** Whoever shall conceal, barter,
2 sell, or dispose of any motor vehicle which has been stolen, or shall
3 disguise, alter, or change such motor vehicle or the factory or serial
4 number thereof, or remove or change the registration plate thereon,
5 or do any act designed to prevent identification of such motor vehicle,
6 shall be presumed to have knowledge that such motor vehicle had
7 been stolen.

1 **SEC. 114. Larceny of motor vehicle.** If any person steal, take and
2 carry away, irrespective of value, any motor vehicle, he shall be
3 punished by imprisonment in the penitentiary not more than ten
4 years, or by fine of not more than one thousand dollars, or by both
5 such fine and imprisonment.

1 **SEC. 115. Jurisdiction.** Jurisdiction of such offense may be in the
2 county where such motor vehicle was stolen, or through or into which
3 it was taken, carried, or transported by the person or persons who
4 committed the theft, or by any person or persons confederated with
5 him or them in such theft.

1 **SEC. 116. Seizure of vehicles.** It shall be the duty of any peace
2 officer who finds a motor vehicle, the serial or engine number of which
3 has been altered, defaced, or tampered with, and who has reasonable
4 cause to believe that the possessor of such motor vehicle wrongfully
5 holds the same, to forthwith seize the same, either with or without
6 warrant, and deliver the same to the sheriff of the county in which it
7 is seized.

1 **SEC. 117. Stolen or abandoned vehicles.** Whenever any motor
2 vehicle is seized under section one hundred sixteen (116) or when-
3 ever any motor vehicle is stolen, or embezzled, and is not claimed by
4 the owner before the date on which the person charged with the
5 stealing or embezzling of same is convicted, or if the motor vehicle

6 be abandoned and is not claimed by the owner within three days,
7 then the officer having same in his custody must, on such date by
8 registered mail, notify the department that he has such a motor
9 vehicle in his possession, giving a full and complete description of
10 same, including all marks of identification, factory and serial num-
11 bers.

1 SEC. 118. **Notice by commissioner.** The commissioner shall, if
2 the owner appears of record in his office, notify such owner of the
3 fact that such motor vehicle is in the custody of such officer, and if
4 not of record in his office, said commissioner shall mail such descrip-
5 tion to the county treasurer of each county, and to the state bureau
6 of investigation.

1 SEC. 119. **Delivery to owner.** If, within forty days thereafter,
2 the owner of such motor vehicle appears and properly identifies
3 same, the officer having said motor vehicle in his custody shall de-
4 liver same to such owner upon payment by him of the costs incurred
5 incident to the apprehension of said motor vehicle and the location
6 of such owner.

1 SEC. 120. **Advertisement.** If the owner does not appear within
2 that time, the officer having possession of same shall advertise said
3 motor vehicle for sale in a newspaper published within the county
4 at least once each week for two consecutive weeks.

1 SEC. 121. **Sale.** Said motor vehicle shall be sold at public auction
2 to the highest cash bidder therefor and said sale must be held within
3 one week following the date of the last publication of the notice as
4 provided in section one hundred twenty (120).

1 SEC. 122. **Proceeds—costs.** After deducting the costs incident
2 thereto, such officer shall pay all remaining money to the treasurer
3 of state, of the county, or of the municipality, under which authority
4 the vehicle was seized and sold for the use and benefit of the gen-
5 eral fund.

1 SEC. 123. **Reimbursement after sale.** If, within six months from
2 the date of sale, the owner of any motor vehicle sold under the pro-
3 visions hereof makes a showing satisfactory to the executive coun-
4 cil, board of supervisors, or municipal governing authority having
5 control of said fund that he is the owner of such motor vehicle, then
6 said council, board, or authority may direct the drawing of a war-
7 rant payable to such owner for the amount such vehicle was sold
8 for, less costs, and direct the treasurer to pay same out of the gen-
9 eral fund.

1 SEC. 124. **Altering or changing numbers.** No person shall with
2 fraudulent intent deface, destroy, or alter the manufacturer's serial
3 or engine number or other distinguishing number or identification
4 mark of a motor vehicle nor shall any person place or stamp any
5 serial, engine, or other number or mark upon a motor vehicle, ex-
6 cept one assigned thereto by the department. Any violation of this
7 provision is a felony punishable as provided in section five hundred
8 one (501).

9 This section shall not prohibit the restoration by an owner of an
10 original serial, engine, or other number or mark when such restora-
11 tion is made under permit issued by the department, nor prevent
12 any manufacturer from placing in the ordinary course of business
13 numbers or marks upon motor vehicles or parts thereof.

1 **SEC. 125. Defense.** Under a charge of possessing a motor vehicle,
2 the serial or engine number of which is defaced, altered, or tampered
3 with, it shall be a complete defense that the accused at the time of
4 such possession had in his possession a certificate of registration
5 and transfer from the officer whose duty it is to register motor
6 vehicles in the state in which said motor vehicle is registered, show-
7 ing good and sufficient reason why numbers are defaced, changed,
8 or tampered with, the original serial or engine number, and the
9 ownership of said motor vehicle.

1 **SEC. 126. Test to determine true number.** Where it appears
2 that a factory, serial or motor number has been altered, defaced or
3 tampered with, any sheriff, state agent or peace officer of the de-
4 partment of justice, or inspector employed by the motor vehicle de-
5 partment, or any other person acting under their direction, may apply
6 any recognized process or test to the part containing such number
7 for the purpose of determining the true number.

1 **SEC. 127. Right of inspection.** Peace officers and examiners em-
2 ployed in the motor vehicle department are hereby given authority
3 to inspect any motor vehicle found upon the public highway or in
4 any public garage or inclosure in which motor vehicles are kept for
5 sale, storage, hire or repair and for that purpose may enter any
6 such public garage or inclosure.

1 **SEC. 128. Prohibited plates—certificates—badges.** No person
2 shall display or cause or permit to be displayed, or have in his pos-
3 session, any canceled, revoked, altered, or fictitious registration num-
4 ber plates, registration certificate, chauffeur's license certificate, or
5 chauffeur's badge, as the same are respectively provided for in this
6 chapter.

OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION

1 **SEC. 129. Fraudulent applications.** Any person who fraudulently
2 uses a false or fictitious name in any application for the registration
3 of a vehicle or knowingly makes a false statement or knowingly con-
4 ceals a material fact or otherwise commits a fraud in any such ap-
5 plication, shall upon conviction be punished by a fine of not more
6 than one thousand dollars, or by imprisonment* for not more than
7 one year or both.

1 **SEC. 130. Operation without registration.** No person shall oper-
2 ate, nor shall any owner knowingly permit to be operated upon any
3 highway any vehicle required to be registered hereunder unless
4 there shall be attached thereto and displayed thereon when and as
5 required by this chapter a valid registration card and registration

* Note: Place of imprisonment not fixed in enrolled bill.

6 plate or plates issued therefor for the current registration year ex-
7 cept as otherwise expressly permitted in this chapter. Any viola-
8 tion of this section is a misdemeanor punishable as provided in
9 section five hundred (500).

1 **SEC. 131. Improper use of registration.** No person shall lend to
2 another any registration card, registration plate, special plate, or
3 permit issued to him if the person desiring to borrow the same would
4 not be entitled to the use thereof, nor shall any person knowingly
5 permit the use of any of the same by one not entitled thereto, nor
6 shall any person display upon a vehicle any registration card, regis-
7 tration plate or permit not issued for such vehicle or not otherwise
8 lawfully used thereon under this chapter. Any violation of this
9 section is a misdemeanor punishable as provided in section five hun-
10 dred (500).

1 **SEC. 132. False evidences of registration.** It is a felony, punish-
2 able as provided in section five hundred one (501), for any person
3 to commit any of the following acts:

- 4 1. To alter with a fraudulent intent any registration card, regis-
5 tration plate, or permit issued by the department.
- 6 2. To forge or counterfeit any such document or plate purporting
7 to have been issued by the department.
- 8 3. To hold or use any such document or plate knowing the same to
9 have been so altered, forged or falsified.

1 **SEC. 133. Suspension or revocation of registration.** The depart-
2 ment is hereby authorized to suspend or revoke the registration of
3 a vehicle, registration card, registration plate, or any nonresident
4 or other permit in any of the following events:

- 5 1. When the department is satisfied that such registration card,
6 plate, or permit was fraudulently or erroneously issued;
- 7 2. When the department determines that a registered vehicle is
8 mechanically unfit or unsafe to be operated or moved upon the high-
9 ways;
- 10 3. When a registered vehicle has been dismantled or wrecked;
- 11 4. When the department determines that the required fee has not
12 been paid and the same is not paid upon reasonable notice and de-
13 mand;
- 14 5. When a registration card, registration plate, or permit is know-
15 ingly displayed upon a vehicle other than the one for which issued;
- 16 6. When the department determines that the owner has committed
17 any offense under this chapter involving the registration card, plate,
18 or permit to be suspended or revoked, or;
- 19 7. When the department is so authorized under any other provi-
20 sion of law.

1 **SEC. 134. Suspending or revoking special registration.** The de-
2 partment is also authorized to suspend or revoke a certificate or the
3 special plates issued to a manufacturer, transporter, or dealer upon
4 determining that any said person is not lawfully entitled thereto or
5 has made or knowingly permitted any illegal use of such plates or has
6 committed fraud in the registration of vehicles or failed to give
7 notices of transfer when and as required by this chapter.

1 **SEC. 135. Owner to return evidences of registration.** Whenever
 2 the department as authorized hereunder cancels, suspends, or re-
 3 vokes the registration of a vehicle or registration card, or regis-
 4 tration plate or plates, or any nonresident or other permit or the
 5 registration of any dealer, the owner or person in possession of the
 6 same shall immediately return the evidences of registration, or
 7 plates so canceled, suspended, or revoked to the department.

1 **SEC. 136. Operation while certificate revoked.** Any person who
 2 operates any motor vehicle while a certificate of registration of a
 3 motor vehicle issued to him is suspended or revoked, shall be guilty
 4 of a misdemeanor and punished as provided in section five hun-
 5 dred (500).

REGISTRATION FEES

1 **SEC. 137. Annual fee required.** An annual registration fee shall
 2 be paid for each motor vehicle or trailer operated upon the public
 3 highways of this state unless said vehicle is specifically exempted
 4 under the provisions of this chapter.

5 Said registration fee shall be paid to the county treasurer at the
 6 same time the application is made for the registration or reregistra-
 7 tion of said motor vehicle or trailer.

1 **SEC. 138. Fractional part of year.** Where there is no delinquency
 2 and the registration is made in February or in succeeding months to
 3 and including November, the fees shall be computed on the basis of
 4 one-twelfth of the annual registration fee as provided herein multi-
 5 plied by the number of the unexpired months of the year. Whenever
 6 any such fee so computed contains a fractional part of a dollar, it
 7 shall be computed as of the nearest fractional quarter dollar thereto,
 8 and said amount shall be the fee which shall be collected.

9 No fee shall be required for the month of December for a new car
 10 in good faith delivered during that month.

1 **SEC. 139. Sworn statement.** Such reduction in the registration
 2 fee shall not be allowed until the applicant first file with the county
 3 treasurer an affidavit stating the date on which the motor vehicle
 4 first came into his possession or control in connection with his pur-
 5 chase or prospective purchase thereof, and the name and address of
 6 the party from whom purchased.

1 **SEC. 140. Perjury.** Any person who shall wilfully make a false
 2 statement in such affidavit shall be deemed guilty of perjury and
 3 punished accordingly.

1 **SEC. 141. Motor vehicle fee.** The annual fee for all motor vehicles
 2 except motor trucks, hearses, motorcycles, and motor bicycles, shall
 3 be equal to one per cent of the value as fixed by the department plus
 4 forty cents for each one hundred pounds or fraction thereof of weight
 5 of vehicle, as fixed by the department.

1 **SEC. 142. Rejecting fractional dollars.** When the registration
 2 fee, computed according to section one hundred forty-one (141), totals
 3 a fraction over a certain number of dollars the fraction of a dollar
 4 shall not be computed in arriving at the fee.

1 **SEC. 143. Conversion of car—effect.** Any motor vehicle originally
2 registered as a passenger car and thereafter converted into a truck
3 with a loading capacity of less than one thousand pounds, shall be
4 registered as a passenger car.

1 **SEC. 144. Minimum motor vehicle fee.** No motor vehicle, regard-
2 less of age, except as provided in section one hundred forty-seven
3 (147) shall be registered for a full year for less than seven dollars.

1 **SEC. 145. Automatic reduction.** After said motor vehicle has been
2 registered three times, that part of the registration fee which is based
3 on the value of said vehicle shall be:

- 4 Seventy-five per cent of the rate as fixed when new ;
5 After four times, fifty per cent ;
6 After five times, twenty-five per cent ;
7 After six times, that part of the registration fee based on the value
8 of said vehicle shall be eliminated.

1 **SEC. 146. Proof of registration.** The sworn statement of the regis-
2 trant as to the number of times such motor vehicle has been registered
3 shall be conclusive evidence of that fact.

1 **SEC. 147. Antiquated vehicles.** Any motor vehicle fifteen years
2 old, or older, whose owner desires to use said motor vehicle exclu-
3 sively for exhibition or educational purposes at state or county fairs,
4 or other places where said motor vehicle may be exhibited for enter-
5 tainment or educational purposes, shall be given a registration per-
6 mitting the driving of said motor vehicle upon the public roads to and
7 from said fair or other place of entertainment or education for a
8 registration fee of one dollar per annum.

1 **SEC. 148. Electric automobiles.** For all electric motor vehicles the
2 annual fee shall be twenty-five dollars. When any electric motor
3 vehicle has been registered five times the annual registration fee shall
4 be fifteen dollars.

1 **SEC. 149. Motorcycle and hearse fees.** For all motorcycles the
2 annual fee shall be five dollars. When said motorcycle has been regis-
3 tered five times, the annual registration fee shall be one-half the
4 rate when new. The annual registration fee for hearses shall be
5 fifteen dollars. Passenger car plates shall be issued for hearses.

1 **SEC. 150. Trucks with pneumatic tires.** For motor trucks equipped
2 with all pneumatic tires, the annual registration fee shall be:

3	For 1 ton or less capacity	\$ 15.00 per annum
4	For 1½ ton capacity	25.00 per annum
5	For 2 ton capacity	40.00 per annum
6	For 2½ ton capacity	65.00 per annum
7	For 3 ton capacity	100.00 per annum
8	For 3½ ton capacity	130.00 per annum
9	For 4 ton capacity	160.00 per annum
10	For 4½ ton capacity	200.00 per annum
11	For 5 ton capacity	250.00 per annum
12	For 6 ton capacity.....	300.00 per annum

1 **SEC. 151. Trucks with solid rubber tires.** For motor trucks
2 equipped with two or more solid rubber tires, the annual registration
3 fee shall be:

4	For 1 ton or less capacity	\$ 25.00 per annum
5	For 1½ ton capacity	40.00 per annum
6	For 2 ton capacity	65.00 per annum
7	For 2½ ton capacity	90.00 per annum
8	For 3 ton capacity	125.00 per annum
9	For 3½ ton capacity	160.00 per annum
10	For 4 ton capacity	200.00 per annum
11	For 4½ ton capacity	250.00 per annum
12	For 5 ton capacity	300.00 per annum
13	For 6 ton capacity.....	350.00 per annum

1 **SEC. 152. Trucks exceeding six tons capacity.** The registration
2 fee for trucks for each ton of load capacity above six tons shall be
3 fifty dollars in addition to the six ton rate.

1 **SEC. 153. Truck tractors and road tractors.** For a truck tractor,
2 or for a road tractor, the annual registration fee shall be:

3 For each said tractor drawing a trailer or a semitrailer of load
4 capacity of three tons or less, seventy-five dollars per annum.

5 For each such tractor drawing a trailer or a semitrailer of load
6 capacity of four tons, one hundred twenty dollars per annum.

7 For each such tractor drawing a trailer or a semitrailer of load
8 capacity of five tons, two hundred dollars per annum.

9 For each such tractor drawing a trailer, or a semitrailer of load
10 capacity of six tons, two hundred forty dollars per annum.

11 The registration fee for a truck tractor or for a road tractor, draw-
12 ing a trailer or a semitrailer for each ton of load capacity above six
13 tons shall be fifty dollars in addition to the six ton rate. Nothing in
14 this section shall be held to apply to a private sedan, coach, coupe, or
15 roadster, to which a two-wheeled or four-wheeled farm trailer is
16 temporarily attached for occasional use.

1 **SEC. 154. Trailers.** Trailers weighing less than one thousand
2 (1000) pounds, or with a loading capacity of less than one thousand
3 (1000) pounds, shall not be subject to a registration fee.

4 All other trailers shall be subject to a registration fee to be fixed
5 in accordance with the following schedule:

6	When equipped with pneumatic tires;	
7	Wagon box trailers used by a farmer in connection with	
8	the operation of his farm	\$ 1.00
9	Trailers with a capacity of one-half ton, but with a maxi-	
10	imum capacity of less than one ton	10.00
11	Trailers with a capacity of one ton, but with a maximum	
12	capacity of less than two tons	15.00
13	Trailers with a capacity of two tons, but with a maximum	
14	capacity of less than three tons	20.00
15	Trailers with a capacity of three tons, but with a maxi-	
16	imum capacity of less than four tons	25.00
17	Trailers with a capacity of four tons, but with a maxi-	
18	imum capacity of less than five tons	40.00
19	Trailers with a capacity of five tons, but with a maximum	
20	capacity of less than six tons	50.00

21	Trailers with a capacity of six tons, but with a maximum	
22	capacity of less than seven tons	60.00
23	When equipped with two or more solid rubber tires;	
24	Trailers with a capacity of one-half ton, but with a maxi-	
25	mum capacity of less than one ton	15.00
26	Trailers with a capacity of one ton, but with a maximum	
27	capacity of less than two tons	20.00
28	Trailers with a capacity of two tons, but with a maximum	
29	capacity of less than three tons	25.00
30	Trailers with a capacity of three tons, but with a maxi-	
31	mum capacity of less than four tons	35.00
32	Trailers with a capacity of four tons, but with a maximum	
33	capacity of less than five tons	50.00
34	Trailers with a capacity of five tons, but with a maximum	
35	capacity of less than six tons	60.00
36	Trailers with a capacity of six tons, but with a maximum	
37	capacity of less than seven tons	70.00

1 **SEC. 155. Well-drilling equipment.** A trailer equipped with solid
2 rubber or pneumatic tires, upon which is mounted well-drilling equip-
3 ment, and not exceeding in combined weight ten thousand pounds
4 shall be registered at an annual rate of ten dollars, such combina-
5 tion when in excess of above weight or of the motor vehicle laws re-
6 lating to length and width shall be permitted to operate upon the
7 highways of the state only upon issuance of a special permit by the
8 motor vehicle department.

1 **SEC. 156. Effect of exemption.** The exemption of a motor vehicle
2 from a registration fee shall not exempt the operator of such vehicle
3 from the performance of any other duty imposed on him by this
4 chapter.

1 **SEC. 157. If during the year for which a motor vehicle was regis-**
2 **tered and the required registration fee paid therefor:**

3 1. Such vehicle is destroyed by fire or accident, or junked and its
4 identity as a motor vehicle entirely eliminated or removed and con-
5 tinuously used beyond the boundaries of the state, then the owner in
6 whose name it was registered at the time of such destruction, dis-
7 mantling or removal from the state, shall return the plates to the
8 county treasurer within ten days and make affidavit of such destruc-
9 tion, dismantling or removal and make claim for refund;

10 2. Such vehicle is sold to a person, either individual, firm or cor-
11 poration, whose residence or place of business is without the state,
12 the owner who made the sale and gave notice in accordance with the
13 provisions of section seventy-six (76) shall return the plates to the
14 county treasurer within ten days and make affidavit of such sale and
15 make claim for refund;

16 3. Such vehicle is stolen the owner shall give notice of such theft
17 to the county treasurer within five (5) days, who in turn shall notify
18 the department, and if it be not recovered by the owner before Decem-
19 ber first of the year for which the registration fee was paid he shall
20 make affidavit of such theft and make claim for refund.

1 **SEC. 157-a. Amount of Refund.** For December and each succeed-
2 ing month the refund shall be computed on the basis of one-fourth

3 of the annual registration fee multiplied by the number of remain-
 4 ing quarters of the year, computed to the nearest quarter dollar. The
 5 department shall make refund on or before the fifteenth day of the
 6 quarter following the quarter in which the refund is asked.

1 **SEC. 158. Payment authorized.** The department is hereby author-
 2 ized to make such payments according to the above provisions, when
 3 sufficient proof of such destruction by accident, or the junking and
 4 entire elimination of identity as a motor vehicle, theft, or removal for
 5 continuous use beyond the boundaries of the state, is properly cer-
 6 tified, approved by the county treasurer, and filed with the motor
 7 vehicle department.

8 The decision of the department shall be final.

1 **SEC. 159. Reimbursement fund.** The county treasurer shall remit
 2 to the department one per cent of all fees and penalties collected each
 3 year, to be used as a fund to cover refunds of motor vehicle fees as
 4 provided in sections one hundred fifty-seven (157) and one hundred
 5 fifty-eight (158).

1 **SEC. 160. Fees in lieu of taxes.** The registration fees imposed by
 2 this chapter upon private passenger motor vehicles, other than those
 3 of manufacturers and dealers, shall be in lieu of all taxes, general
 4 or local, to which motor vehicles may be subject. Provided, how-
 5 ever, no motor vehicle registered under this act shall be subject to a
 6 personal property tax.

1 **SEC. 161. Lien of fee.** All registration or other fees provided for
 2 in this chapter shall be and continue a lien against the motor vehicle
 3 for which said fees are payable until such time as they are paid as
 4 provided by law, with any accrued penalties.

1 **SEC. 162. When lien attaches.** The lien of the original registra-
 2 tion fee shall attach, at the time the same is first payable, as pro-
 3 vided by law, and the lien of all renewals of registration shall attach
 4 on January first of each year thereafter.

PENALTIES, COSTS, AND COLLECTIONS

1 **SEC. 163. Methods of collection.** The collection of all fees and
 2 penalties may be enforced against any motor vehicle or they may be
 3 collected by suit against the owner who shall remain personally liable
 4 therefor until such time as the transfer thereof shall be reported to
 5 the county treasurer and the department or until such time as said
 6 vehicle ceases to be in use and all fees and penalties to such date shall
 7 be paid.

1 **SEC. 164. Monthly penalty.** On February first of each year, a
 2 penalty of five per cent of the annual registration fee shall be added
 3 to all fees not paid by that date, and five per cent of the annual regis-
 4 tration fee shall be added to such fees on the first of each month
 5 thereafter that the same remains unpaid, until paid, provided that
 6 said penalty in no case shall be less than one dollar, and provided that
 7 the owner of a motor vehicle who, on or before February first of any
 8 year, surrenders all registration plates for said vehicle to the county
 9 treasurer of the county in which said plates are of record, shall have

10 the right to register said vehicle at any later period of said year by
11 paying the full yearly registration fee without said penalty.

1 **SEC. 165. When fees delinquent.** Such delinquencies shall begin
2 and penalty accrue the first of the month following the purchase of
3 a new vehicle, and the first of the month following the date cars are
4 brought into the state, except as herein otherwise provided.

1 **SEC. 166. List of delinquents.** In the first week in March of each
2 year the county treasurer shall cause to be made a list of all motor
3 vehicles owned within his county upon which the registration fee
4 was not paid before March first of that year, except motor vehicles
5 held by registered dealers and listed by them with the county treas-
6 urer and department, as provided in section one hundred one (101)
7 and except those motor vehicles the plates of which have been sur-
8 rendered to said treasurer on or prior to February first of said year.
9 Such list shall show the factory number, engine number, make and
10 model of such vehicle, together with the name and post-office address
11 of the owner thereof, as shown by the records of his office, and the
12 amount of registration fee and penalties due against said vehicle as
13 of March first.

1 **SEC. 167. Sheriff furnished list.** The county treasurer shall on
2 or before March fifteenth thereafter deliver to the sheriff of his
3 county a certified copy of said list of such delinquents as shown.

1 **SEC. 168. Collection by sheriff.** The sheriff shall forthwith pro-
2 ceed to the collection of the unpaid fees and penalties, as certified to
3 him by the county treasurer, by taking possession of the motor ve-
4 hicle described in said certified list and proceed to advertise and sell
5 same for the purpose of collecting fees, penalties, and costs. Said
6 certified list shall for all purposes be a sufficient warrant therefor.

1 **SEC. 169. Notice.** The sheriff shall give ten days' notice of the
2 time, place, and hour of said sale:

3 1. By publishing said notice in one issue of one of the official news-
4 papers of the county, and

5 2. By posting written notice thereof, in three places in the county,
6 one of said places shall be at a main entrance door of the courthouse,
7 one at some other public place in the county, and one at or as near as
8 practicable to the place where said vehicle was seized.

1 **SEC. 170. Warrant to foreign county.** Should a motor vehicle on
2 which the fee is delinquent be removed from the county in which it
3 was originally registered, either by transfer or removal by owner
4 to another county, without having notified the county treasurer or
5 department of such removal, the sheriff may forward the warrant to
6 the sheriff of the county where such motor vehicle is at that time and
7 said latter sheriff shall proceed to collect the same as though the
8 vehicle had been originally registered in his county, and make return
9 to the county treasurer of the county from which he received the
10 warrant.

1 **SEC. 171. Fees and mileage.** The sheriff shall be entitled to re-
2 ceive as costs the sum of two dollars for serving the writ or warrant
3 of seizure and five cents for each mile actually traveled by him in

4 collecting the fee and penalties, which shall be collected from the
 5 owner of such delinquent motor vehicle, and shall be retained by him
 6 in full for his services. He shall also collect from said owner the sum
 7 of fifty cents per day for care of the motor vehicle while in his pos-
 8 session which sum shall be accounted for by the sheriff as fees are
 9 accounted for, as provided in chapter two hundred sixty-three (263)
 10 of the code.

1 **SEC. 172. Remittance—issuance of plates.** When the fee and
 2 penalties have been collected the same shall forthwith be returned to
 3 the county treasurer, together with a report showing the name and
 4 address of the owner and description of car upon which such fee
 5 was collected. Thereupon the county treasurer may issue to the
 6 owner number plates and a receipt showing payment of fees and
 7 penalties.

1 **SEC. 173. Balance of proceeds.** The sheriff, after deducting from
 2 the total receipts of the sale all fees, penalties, and costs, shall pay
 3 any balance to the owner of the vehicle.

1 **SEC. 174. Junking in lieu of sale.** In the event the vehicle is in
 2 such condition that, in the opinion of the sheriff, it cannot be sold
 3 for enough to pay the fees and penalties and defray the cost of the
 4 procedure herein above provided, and the owner waives the right to
 5 said sale, then it may be scrapped, dismantled, or otherwise de-
 6 stroyed by said owner, so that it can no longer be used upon the high-
 7 ways, and no registration shall thereafter be issued for such vehicle.

FUNDS

1 **SEC. 175. Disposition.** The money, except fines and forfeitures,
 2 and except operator's and chauffeur's license fees, collected pursuant
 3 to the provisions of this chapter shall be credited by the treasurer of
 4 state to the following funds:

5 1. Two and one-half per cent of the gross fees and penalties there-
 6 on, to a maintenance fund for the state highway commission.

7 2. Three per cent of the gross fees and penalties thereon, to a main-
 8 tenance fund for the motor vehicle department.

9 3. The balance of said money, less the collection fee of fifty cents
 10 retained by the county treasurer on each registration, and less the
 11 one per cent received by the department as a reimbursement fund
 12 from which to pay refunds, to the primary road fund.

1 **SEC. 176. Expenditure of department fund.** The maintenance
 2 fund for the motor vehicle department shall constitute a fund for the
 3 payment of salaries as provided by law for the department, the ex-
 4 pense of plates, certificate containers, blanks, printing, supplies, and
 5 any other expense the commissioner shall deem necessary to enable
 6 the department to carry out the provisions of this chapter.

1 **SEC. 176-a1.** No expenditures shall be made under the provisions
 2 of this chapter other than from the funds derived and collected as
 3 provided in this chapter.

1 **SEC. 177. Unexpended balances.** At the close of each calendar
 2 year, any unexpended balance remaining in the maintenance fund

3 for the state highway commission, in the maintenance fund for the
4 motor vehicle department, and in the reimbursement fund for the
5 payment of refunds, which have accrued from motor registration
6 fees paid in for that period, shall be credited to the primary road
7 fund.

1 **SEC. 178. Cash balance.** The treasurer of state shall maintain in
2 the state treasury, of the money collected as in this chapter provided,
3 a cash balance sufficient to pay the anticipated expenditures by the
4 highway commission for the ensuing month, exclusive of the amount
5 in the funds provided for in subsections one (1) and two (2) of sec-
6 tion one hundred seventy-five (175). When necessary to restore
7 the cash balance in the state treasury, he shall draw upon the treas-
8 urer of each county of the state in proportion to the amounts in their
9 possession, respectively, a sum sufficient in the aggregate to restore
10 said cash balance. Such drafts shall be honored by the treasurer of
11 each county upon presentation.

1 **SEC. 179. Monthly estimate.** The auditor of the state highway
2 commission shall, on the first day of each month, furnish an estimate
3 in writing to the treasurer of state of the amount of expenditures to
4 be made by the highway commission during that month.

1 **SEC. 180. Blanks.** The department shall not later than November
2 fifteenth of each year prepare and furnish the treasurer of each
3 county all blank books, blank forms, and all supplies required for the
4 administration of this chapter, including applications for registra-
5 tion and transfer of vehicles, quadruple receipts, and original remit-
6 tance sheets to be used in remitting fees to the department, in such
7 form as the department may prescribe. Contracts for such blank
8 books, blank forms, and supplies shall be awarded, by the state print-
9 ing board to persons, firms, partnerships or corporations engaged in
10 the business of printing in Iowa unless, and through them, such per-
11 sons, firms, partnerships or corporations cannot provide the required
12 printing set forth in this section. In lieu of purchasing under com-
13 petitive bids the state printing board shall have authority to arrange
14 with the board of control to furnish such supplies as can be made in
15 in the state institutions.

1 **SEC. 181. Time limit.** Blanks or forms for listing used motor
2 vehicles shall be placed in the hands of county treasurers not later
3 than December fifteenth of any year.

1 **SEC. 182. Duty and liability of treasurer.** The county treasurer
2 shall collect the registration fee and penalties on each motor vehicle
3 registered by him and shall be responsible on his bond for such
4 amount. He shall remit such amount to the treasurer of state as
5 herein provided.

1 **SEC. 183. Fee for county.** Each county treasurer shall be allowed
2 to retain, for the use and benefit of the county general fund, fifty
3 cents for each motor vehicle registration issued by him out of money
4 collected in each year for the registration of such motor vehicles, the
5 same to be deducted, and reported to the department, when the county
6 treasurer transfers the money collected under the provisions of this

7 chapter ; provided, however, that no such deduction shall be lawful
8 unless the county treasurer has complied with the provisions of sec-
9 tion 55 and section 184 of this act.

1 **SEC. 184. Reports to department—remittance.** The county treas-
2 urer shall on the tenth day of each month report under oath to the
3 department, on forms furnished by it, giving a full and complete
4 statement of all fees and penalties so received by him during the pre-
5 ceding calendar month, and shall forward to the treasurer of state a
6 duplicate of such report accompanied by a remittance of five and
7 one-half per cent of all fees and penalties received by him during
8 such preceding calendar month for the use and benefit of the main-
9 tenance funds of the state highway commission and the motor vehicle
10 department.

1 **SEC. 185. Reports by department.** The department, immediately
2 upon receiving said report, shall also report to the treasurer of state
3 the amount so collected by such county treasurer.

1 **SEC. 186. Duty of treasurer of state.** The treasurer of state shall
2 keep proper books of account for the purposes specified herein and
3 shall report to the department each remittance from the county
4 treasurer, when said remittance is received.

1 **SEC. 187. Audit by department.** The department shall check and
2 audit all fees and penalties collected, and shall effect a settlement with
3 the county treasurer annually.

VALUE AND WEIGHT OF VEHICLES

1 **SEC. 188. Schedule of prices and weights.** Every manufacturer
2 of a motor vehicle sold or offered for sale within this state, either by
3 the manufacturer, distributor, dealer, or any other person, shall, on
4 or before the first day of August, annually, file in the office of the
5 department a sworn statement showing the various models manu-
6 factured by him, and the retail list price and weight of each model
7 as of August first of that year. He shall also make the same report
8 on subsequent new models manufactured prior to August first of the
9 following year.

1 **SEC. 189. Registration dependent on schedule.** No motor vehicle
2 shall be registered in this state unless the manufacturer thereof has
3 furnished to the department the sworn statement herein provided,
4 giving the list price and weight of the model of the motor vehicle that
5 is offered for registration, except as provided in section one hundred
6 ninety (190).

1 **SEC. 190. Exceptional cases.** The department shall have the power
2 to fix the registration fee on all makes and models of cars which are
3 not now being furnished or upon which the statement from the fac-
4 tory cannot be obtained.

1 **SEC. 191. Department to prepare statement.** The departmnet
2 shall prepare, annually, a statement showing all the different makes
3 and models of motor vehicles previously registered in the depart-
4 ment, and all the different makes and models of motor vehicles, state-
5 ments of which have been filed in the office by the manufacturers as

6 heretofore provided, together with the retail list price and weight of
7 the same.

8 The statement prepared by the department shall also include the
9 load capacities of the various makes and models of motor trucks
10 and trailers and the proper fee to be paid for the registration.

11 Copies of such statement shall be furnished each county treasurer
12 and additional copies may be sold by the department to other persons,
13 at a price to be set by the department, covering the approximate cost
14 of same and service involved. All funds received shall be forwarded
15 by the department to the treasurer of state and placed in the main-
16 tenance fund of the motor vehicle department.

1 **SEC. 192. Department to fix values and weight.** The department
2 shall, on or before the first day of August, annually, and at such other
3 times as new makes or models of motor vehicles are offered for sale
4 or sold in this state, fix the value and weight of each of the different
5 makes and models of motor vehicles which are sold or offered for sale
6 within the state.

1 **SEC. 193. Method of fixing value and weight.** The value shall be
2 fixed at the next even one hundred dollars above the retail list price
3 f. o. b. the factory, and the weight shall be fixed at the next even
4 one hundred pounds above the manufacturers' shipping weight or the
5 actual weight of the vehicle fully equipped.

PLATES, CONTAINERS AND SUPPLIES

1 **SEC. 194. Contracts for plates.** The commissioner shall, subject
2 to the approval of the executive council, purchase all number plates,
3 containers, and other supplies required by this chapter, except print-
4 ing and except expenditures of less than one hundred (100) dollars,
5 after receiving competitive bids under open specifications. The
6 bidders shall be required to furnish samples of such supplies and in
7 awarding the contract the commissioner may consider the quality
8 and suitability of the samples submitted as well as the price quoted.
9 A record of all bids submitted shall be kept and the samples submitted
10 shall be preserved until the next subsequent letting.

1 **SEC. 195. Bond.** The successful bidder shall be required to execute
2 to the state a good and sufficient bond in such amount as the commis-
3 sioner shall require, conditioned upon the plates furnished being in
4 accordance with the samples and specifications, and providing for
5 liquidated damages for failure to deliver plates at the time specified
6 in the contract.

1 **SEC. 196. Manufacture by state.** In lieu of purchasing under com-
2 petitive bids the commissioner shall have authority to arrange with
3 the board of control to furnish such supplies as may be made at the
4 state institutions.

1 **SEC. 197. Specifications.** Such number plates shall be of metal,
2 and of a size not to exceed six inches in width by fifteen inches in
3 length, on which there shall be the word "Iowa", and numerals in-
4 dicating the year for which it is issued. They shall be of a distinc-
5 tively different color each year. There shall be at all times a marked

6 contrast between the colors of the number plates and of the numerals
7 or letters thereon, said colors to be designated by the department.

8 The distinctive number assigned to the vehicle shall be set forth
9 in numerals which shall not exceed a length of four inches nor a
10 stroke exceeding five-eighths of an inch in width.

11 In case of a motor vehicle registered by a manufacturer or dealer,
12 there shall be on such plate, in addition to the foregoing, the letter
13 "D", each stroke of such letter to be not to exceed four inches long
14 and not to exceed five-eighths of an inch in width.

15 The number plates for use on a motor bicycle or a motorcycle shall
16 be substantially one-half the dimensions above stated.

1 **SEC. 198. Delivery of plates.** On or before the first day of Decem-
2 ber of each year, the department shall deliver or cause to be delivered
3 to the county treasurer of each county, approximately as many dupli-
4 cate number plates and certificate containers as there are motor ve-
5 hicles registered in such county during the preceding year, the plates
6 so delivered to each county treasurer to be in numerical sequence.

1 **SEC. 199. Additional deliveries.** Thereafter, during the year, the
2 department, upon requisition of the county treasurer, shall deliver ad-
3 ditional number plates and certificate containers.

1 **SEC. 200. Account of plates.** The department shall keep an accu-
2 rate record of all number plates issued to each county, and shall also
3 keep a record showing the assignment thereof by the county treas-
4 urer to motor vehicles.

1 **SEC. 201. Plates for exempt vehicles.** The department shall fur-
2 nish, on application, free of charge, distinguishing plates for motor
3 vehicles exempted from a registration fee and shall keep a separate
4 record thereof.

1 **SEC. 202. Title of plates.** All number plates issued shall be and
2 remain the property of the state.

1 **SEC. 203. Certificate containers.** The commissioner shall approve
2 devices for holding and displaying the certificate of registration, and
3 may require such devices so to receive and hold such certificate that
4 when the certificate is removed from the holder the certificate will be
5 destroyed or mutilated so it cannot be used on other vehicles.

1 **SEC. 204. When fees returnable.** Whenever any application to the
2 department is accompanied by any fee as required by law and such
3 application is refused or rejected said fee shall be returned to said
4 applicant.

5 Whenever the department through error collects any fee not re-
6 quired to be paid hereunder the same shall be refunded, from the re-
7 fund account, to the person paying the same upon application there-
8 for made within six months after the date of such payment.

OPERATORS' AND CHAUFFEURS' LICENSES, ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL

1 **SEC. 205. Operators and chauffeurs licensed.** No person, except
2 those hereinafter expressly exempted shall drive any motor vehicle
3 upon a highway in this state unless such person has a valid license
4 as an operator or chauffeur under the provisions of this chapter. No

5 person shall operate a motor vehicle as a chauffeur unless he holds a
6 valid chauffeur's license.

1 **SEC. 206. Chauffeurs exempted as operators.** Any person holding
2 a valid chauffeur's license hereunder need not procure an operator's
3 license.

1 **SEC. 207. Persons exempt.** The following persons are exempt
2 from license hereunder:

3 1. Any person while operating a motor vehicle in the service of the
4 army, navy, or marine corps of the United States;

5 2. Any person while driving or operating any road machine, farm
6 tractor, or implement of husbandry temporarily operated or moved
7 on a highway;

8 3. A nonresident who is at least sixteen years of age and who has
9 in his immediate possession a valid operator's license issued to him
10 in his home state or country may operate a motor vehicle in this state
11 only as an operator;

12 4. A nonresident who is at least eighteen years of age and who has
13 in his immediate possession a valid chauffeur's license issued to him
14 in his home state or country may operate a motor vehicle in this state
15 either as an operator or chauffeur except any such person must be
16 licensed as a chauffeur hereunder before accepting employment as a
17 chauffeur from a resident of this state;

18 5. Any nonresident who is at least eighteen years of age, whose
19 home state or country does not require the licensing of operators, may
20 operate a motor vehicle as an operator only, for a period of not more
21 than ninety days in any calendar year, if the motor vehicle so oper-
22 ated is duly registered in the home state or country of such non-
23 resident.

1 **SEC. 208. Persons not to be licensed.** The department shall not
2 issue any license hereunder:

3 1. To any person, as an operator, who is under the age of sixteen
4 years, except that the department may issue a restricted license as
5 provided in section two hundred twenty-five (225) to any person who
6 is at least fourteen years of age;

7 2. To any person, as a chauffeur, who is under the age of eighteen
8 years;

9 3. To any person, as an operator or chauffeur whose license has
10 been suspended, during such suspension nor to any person whose li-
11 cense has been revoked, until the expiration of one year after such
12 license was revoked;

13 4. To any person, as an operator or chauffeur, who is an habitual
14 drunkard, or is addicted to the use of narcotic drugs;

15 5. To any person, as an operator or chauffeur, who has previously
16 been adjudged to be afflicted with or suffering from any mental dis-
17 ability or disease and who has not at the time of application been
18 restored to competency by the methods provided by law;

19 6. To any person, as an operator or chauffeur, who is required by
20 this chapter to take an examination, unless such person shall have
21 successfully passed such examination;

22 7. To any person when the commissioner has good cause to believe
23 that such person by reason of physical or mental disability would not
24 be able to operate a motor vehicle with safety upon the highways.

1 **SEC. 209. Special restrictions on chauffeurs.** No person who is
2 under the age of twenty-one years shall drive any motor vehicle while
3 in use as a carrier of flammables or combustibles, or as a public or
4 common carrier of persons, except a school bus, until he has been
5 licensed as a chauffeur and received a chauffeur's license.

1 **SEC. 210. Instruction permits.** Any person who, except for his
2 lack of instructions in operating a motor vehicle, would otherwise be
3 qualified to obtain an operator's license under this chapter, may apply
4 for a temporary instruction permit, and the department shall issue
5 such permit, entitling the applicant, while having such permit in his
6 immediate possession, to drive a motor vehicle upon the highways for
7 a period of sixty days, but, except when operating a motorcycle, such
8 person must be accompanied by a licensed operator or chauffeur who
9 is actually occupying a seat beside the driver.

1 **SEC. 211. Temporary permit.** The department may, in its dis-
2 cretion, issue a temporary driver's permit to an applicant for an
3 operator's license permitting him to operate a motor vehicle while
4 the department is completing its investigation and determination of
5 all facts relative to such applicant's right to receive an operator's
6 license. Such permit must be in his immediate possession while
7 operating a motor vehicle, and it shall be invalid when the applicant's
8 license has been issued or for good cause has been refused.

1 **SEC. 212. Application for license or permit.** Every application for
2 an instruction permit or for an operator's or chauffeur's license shall
3 be made upon a form furnished by the department and shall be veri-
4 fied by the applicant before a person authorized to administer oaths,
5 and officers and employees of the department are hereby authorized
6 to administer such oaths without charge.

1 **SEC. 213. Contents of application.** Every said application shall
2 state the full name, age, sex, and residence address of the applicant,
3 and briefly describe the applicant, and shall state whether the appli-
4 cant has theretofore been licensed as an operator or chauffeur, and,
5 if so, when and by what state or country, and whether any such li-
6 cense has ever been suspended or revoked, or whether an application
7 has ever been refused, and, if so, the date of and reason for such sus-
8 pension, revocation, or refusal.

1 **SEC. 214. Applications of minors.** The application of any person
2 under the age of eighteen years for an instruction permit or oper-
3 ator's license shall be signed and verified before a person authorized
4 to administer oaths by both the father and mother of the applicant,
5 if both are living and have custody of him, or in the event neither
6 parent is living then by the person or guardian having such custody
7 or by an employer of such minor.

Note: Secs. 215-216 omitted in enrolled bill.

1 **SEC. 217. Death of person signing application—effect.** The de-
2 partment upon receipt of satisfactory evidence of the death of the
3 persons who signed the application of a minor for a license shall can-
4 cel such license and shall not issue a new license until such time as a

5 new application, duly signed and verified, is made as required by this
6 chapter. This provision shall not apply in the event the minor has
7 attained the age of eighteen years.

1 **SEC. 218. Examination of new applicants.** The department may
2 examine every new applicant for an operator's or chauffeur's license.
3 Such examination shall be held in the county where the applicant re-
4 sides within not more than fifteen days from the date application is
5 made. It shall include a test of the applicant's eyesight, his ability
6 to read and understand highway signs regulating, warning, and di-
7 recting traffic, his knowledge of the traffic laws of this state, and shall
8 include an actual demonstration of ability to exercise ordinary and
9 reasonable control in the operation of a motor vehicle and such fur-
10 ther physical and mental examination as the department finds neces-
11 sary to determine the applicant's fitness to operate a motor vehicle
12 safely upon the highways.

1 **SEC. 219. Appointment of examiners.** The department is hereby
2 authorized to appoint persons from the highway patrol for the pur-
3 pose of examining applicants for operators' and chauffeurs' licenses.
4 It shall be the duty of any such person so appointed to conduct ex-
5 aminations of applicants for operators' and chauffeurs' licenses un-
6 der the provisions of this chapter to make a written report of findings
7 and recommendations upon such examination to the department.
8 Examiners appointed by the department shall have the authority of
9 peace officers for the purpose of enforcing the laws relating to motor
10 vehicles and the operation thereof, and when on duty shall wear a
11 uniform and proper identifying badge or badges as prescribed by the
12 commissioner which shall be purchased by the department and paid
13 for from the department maintenance fund.

1 **SEC. 220. Licenses issued.** The department shall upon payment
2 of the required fee, issue to every applicant qualifying therefor an
3 operator's or chauffeur's license as applied for, which license shall
4 bear thereon a distinguishing number assigned to the licensee the
5 full name, age, residence address and a brief description of the li-
6 censee, and spaces upon which the licensee shall write his usual signa-
7 ture with pen and ink immediately upon receipt of the license. No
8 license shall be valid until it has been so signed by the licensee.

9 The department shall issue with every chauffeur's license a chauf-
10 feur's badge of metal with a plainly readable distinguishing number
11 assigned to the licensee stamped thereon and every chauffeur shall
12 display such chauffeur's badge in plain sight upon the band of his
13 cap or upon the lapel of his outer coat while operating a motor vehicle
14 as a public or common carrier of persons or property.

1 **SEC. 221. Carried and exhibited.** Every licensee shall have his
2 operator's or chauffeur's license in his immediate possession at all
3 times when operating a motor vehicle and shall display the same,
4 upon demand of a justice of peace, a peace officer, or a field deputy
5 or examiner of the department. However, no person charged with
6 violating this section shall be convicted if he produces in court, within
7 a reasonable time, an operator's or chauffeur's license theretofore is-
8 sued to him and valid at the time of his arrest.

1 SEC. 222. **Fee.** The fee for an operator's license shall be fifty
2 cents. The fee for a chauffeur's license shall be two dollars.

1 SEC. 223. **Disposal of fees.** Such license fees shall be forwarded
2 by the department to the treasurer of state who shall place same in
3 the maintenance fund of the motor vehicle department and segregate
4 the same to be used for the administration and enforcement of the
5 uniform operator's and chauffeur's license law, during the period
6 covered by such licenses.

1 SEC. 224. **Restricted licenses.** The department upon issuing an
2 operator's or chauffeur's license shall have authority whenever good
3 cause appears to impose restrictions suitable to the licensee's driv-
4 ing ability with respect to the type of or special mechanical control
5 devices required on a motor vehicle which the licensee may operate or
6 such other restrictions applicable to the licensee, including licenses
7 issued under section two hundred twenty-five (225), as the depart-
8 ment may determine to be appropriate to assure the safe operation
9 of a motor vehicle by the licensee.

10 The department may either issue a special restricted license or
11 may set forth such restrictions upon the usual license form.

12 The department may upon receiving satisfactory evidence of any
13 violation of the restrictions of such license suspend or revoke the
14 same but the licensee shall be entitled to a hearing as upon a suspen-
15 sion or revocation under this chapter.

16 It is a misdemeanor, punishable as provided in section five hundred
17 (500), for any person to operate a motor vehicle in any manner in
18 violation of the restrictions imposed in a restricted license issued
19 to him.

1 SEC. 225. **Minors.** Upon a written request of a parent or guard-
2 ian, a restricted license may be issued to any person between the
3 ages of fourteen and sixteen years, to be valid only in going to and
4 from school.

1 SEC. 226. **Duplicate certificates and badges.** In the event that an
2 instruction permit or operator's or chauffeur's license or chauffeur's
3 badge issued under the provisions of this chapter is lost or destroyed,
4 the person to whom the same was issued may upon payment of a fee
5 of fifty cents for a chauffeur's license or badge or twenty-five cents
6 for an operator's license, obtain a duplicate, or substitute thereof,
7 upon furnishing proof satisfactory to the department that such per-
8 mit, license, or badge has been lost or destroyed.

1 SEC. 227. **Expiration of operator's license.** Every operator's
2 license shall expire on July fifth of each odd-numbered calendar year
3 and shall be renewed upon its expiration upon application, and ex-
4 amination, and payment of the license fee specified herein, provided
5 that persons holding licenses previously issued and upon which no
6 notation appears of a traffic violation, against whom no accident has
7 been reported, or from which no stub has been detached for any rea-
8 son shall be issued an operator's license without examination.

1 SEC. 228. **Expiration of chauffeur's license.** Every chauffeur's
2 license issued hereunder shall expire December thirty-first each year
3 and shall be renewed annually upon application and examination,

4 and payment of the fees required by law, provided that the depart-
5 ment in its discretion may waive the examination of any such appli-
6 cant previously licensed as a chauffeur under this chapter.

Note: Sec. 229 omitted in enrolled bill.

1 **SEC. 230. Records.** The department shall file every application for
2 a license received by it and shall maintain suitable indexes containing,
3 in alphabetical order:

- 4 1. All applications denied and on each thereof note the reasons
5 for such denial;
- 6 2. All applications granted; and
- 7 3. The name of every licensee whose license has been suspended or
8 revoked by the department and after each such name note the reasons
9 for such action.

1 **SEC. 231. Conviction and accident file.** The department shall also
2 file all accident reports and abstracts of court records of convictions
3 received by it under the laws of this state and in connection there-
4 with maintain convenient records or make suitable notations in order
5 that an individual record of each licensee showing the convictions of
6 such licensee and the traffic accidents in which he has been involved
7 shall be readily ascertainable and available for the consideration of
8 the department upon any application for renewal of license and at
9 other suitable times.

CANCELATION, SUSPENSION OR REVOCATION OF LICENSES

1 **SEC. 232. Authority to cancel license.** The department is hereby
2 authorized to cancel any operator's or chauffeur's license upon deter-
3 mining that the licensee was not entitled to the issuance thereof here-
4 under or that said licensee failed to give the required or correct in-
5 formation in his application or committed any fraud in making such
6 application.

1 **SEC. 233. Surrender of license and badge.** Upon such cancellation,
2 the licensee must surrender the license so canceled and any chauf-
3 feur's badge to the department.

1 **SEC. 234. Suspending privileges of nonresidents.** The privilege of
2 driving a motor vehicle on the highways of this state given to a non-
3 resident hereunder shall be subject to suspension or revocation by
4 the department in like manner and for like cause as an operator's or
5 chauffeur's license issued hereunder may be suspended or revoked.

1 **SEC. 235. Certification of conviction.** The department is further
2 authorized, upon receiving a record of the conviction in this state of
3 a nonresident driver of a motor vehicle of any offense under the
4 motor vehicle laws of this state, to forward a certified copy of such
5 record to the motor vehicle administrator in the state wherein the
6 person so convicted is a resident.

1 **SEC. 236. Conviction in another state.** The department is author-
2 ized to suspend or revoke the license of any resident of this state upon
3 receiving notice of the conviction of such person in another state of
4 an offense therein which, if committed in this state, would be grounds

5 for the suspension or revocation of the license of an operator or chauffeur.
6

1 **SEC. 237. Surrender of license—duty of court.** Whenever any
2 person is convicted of any offense for which this chapter makes mandatory the revocation of the operator's or chauffeur's license of such
3 person by the department, the court in which such conviction is had
4 shall require the surrender to it of all operator's and chauffeur's
5 licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to
6
7
8 the department.

1 **SEC. 238. Record forwarded.** Every court having jurisdiction over
2 offenses committed under this chapter, or any other law of this state
3 regulating the operation of motor vehicles on highways, shall forward
4 to the department a record of the conviction of any person in said
5 court for a violation of any said laws, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted,
6 and the department shall thereupon consider and act upon
7 such recommendation in such manner as may seem to it best. Upon
8 conviction in all cases where recommendation of suspension or revocation is not made or is not mandatory, every court shall detach one
9 stub of the license of such operator or chauffeur and forward same
10 to the department.
11
12

1 **SEC. 239. Conviction defined.** For the purpose of this chapter the
2 term "conviction" shall mean a final conviction. Also for the purposes of this chapter a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been
3 vacated, shall be equivalent to a conviction.
4
5

1 **SEC. 240. Mandatory revocation.** The department shall forthwith
2 revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:
3
4 1. Manslaughter resulting from the operation of a motor vehicle;
5 2. Driving a motor vehicle while under the influence of intoxicating
6 liquor or a narcotic drug;
7 3. Any felony in the commission of which a motor vehicle is used;
8 4. Failure to stop and render aid as required under the laws of
9 this state in the event of a motor vehicle accident resulting in the
10 death or personal injury of another;
11 5. Perjury or the making of a false affidavit or statement under
12 oath to the department under this chapter or under any other law
13 relating to the ownership or operation of motor vehicles;
14 6. Conviction, or forfeiture of bail not vacated, upon three charges
15 of reckless driving committed within a period of twelve months.
16

1 **SEC. 241. Authority to suspend.** The department is hereby authorized to suspend the license of an operator or chauffeur without
2 preliminary hearing upon a showing by its records or other sufficient
3 evidence that the licensee:
4

5 1. Has committed an offense for which mandatory revocation of
6 license is required upon conviction;

- 7 2. Is an habitually reckless or negligent driver of a motor vehicle;
 8 3. Is an habitual violator of the traffic laws;
 9 4. Is incompetent to drive a motor vehicle;
 10 5. Has permitted an unlawful or fraudulent use of such license;
 11 or
 12 6. Has committed an offense in another state which if committed
 13 in this state would be grounds for suspension or revocation.

1 **SEC. 242. Notice and hearing.** Upon suspending the license of
 2 any person as hereinbefore authorized the department shall immedi-
 3 ately notify the licensee in writing and upon his request shall afford
 4 him an opportunity for a hearing before the commissioner or his duly
 5 authorized agent as early as practical within not to exceed twenty
 6 days after receipt of such request in the county wherein the licensee
 7 resides unless the department and the licensee agree that such hear-
 8 ing may be held in some other county. Upon such hearing the com-
 9 missioner or his duly authorized agent may administer oaths and may
 10 issue subpoenas for the attendance of witnesses and the production
 11 of relevant books and papers and may require a re-examination of
 12 the licensee. Upon such hearing the department shall either rescind
 13 its order of suspension or, good cause appearing therefor, may ex-
 14 tend the suspension of such license or revoke such license.

1 **SEC. 243. Period of suspension or revocation.** The department
 2 shall not suspend a license for a period of more than one year and
 3 upon revoking a license shall not in any event grant application for
 4 a new license until the expiration of one year after such revocation.

1 **SEC. 244. Surrender of license and badge.** The department upon
 2 suspending or revoking a license shall require that such license and
 3 the badge of any chauffeur whose license is suspended or revoked
 4 shall be surrendered to and be retained by the department except
 5 that at the end of the period of suspension such license and any
 6 chauffeur's badge so surrendered shall be returned to the licensee.

1 **SEC. 245. No operation under foreign license.** Any resident or
 2 nonresident whose operator's or chauffeur's license or right or privi-
 3 lege to operate a motor vehicle in this state has been suspended or
 4 revoked as provided in this chapter shall not operate a motor vehicle
 5 in this state under a license, permit, or registration certificate issued
 6 by any other state or country or otherwise during such suspension
 7 or after such revocation until a new license is obtained when and as
 8 permitted under this chapter.

1 **SEC. 246. Appeal.** Any person denied a license or whose license
 2 has been canceled, suspended, or revoked by the department except
 3 where such cancelation or revocation is mandatory under the provi-
 4 sions of this chapter shall have the right to file a petition within thirty
 5 days thereafter for a hearing in the matter in a court of record in
 6 the county wherein such person shall reside and such court is hereby
 7 vested with jurisdiction and it shall be its duty to set the matter for
 8 hearing upon thirty days' written notice to the commissioner, and
 9 thereupon the court shall hear and determine the matter as an orig-
 10 inal proceeding upon a transcript of all the proceedings before the

11 commissioner, and upon additional evidence and other pleadings as
12 the court may require. The decision of the court shall be final.

VIOLATION OF LICENSE PROVISIONS

1 **SEC. 247. Unlawful use of license.** It is a misdemeanor, punish-
2 able as provided in section five hundred (500) unless another punish-
3 ment is otherwise provided, for any person:

4 1. To display or cause or permit to be displayed or have in his
5 possession any canceled, revoked, suspended, fictitious or fraudu-
6 lently altered operator's or chauffeur's license;

7 2. To lend his operator's or chauffeur's license to any other person
8 or knowingly permit the use thereof by another;

9 3. To display or represent as one's own any operator's or chauf-
10 feur's license not issued to him;

11 4. To fail or refuse to surrender to the department upon its law-
12 ful demand any operator's or chauffeur's license which has been sus-
13 pended, revoked, or canceled;

14 5. To use a false or fictitious name in any application for an oper-
15 ator's or chauffeur's license or to knowingly make a false statement
16 or to knowingly conceal a material fact or otherwise commit a fraud
17 in any such application;

18 6. To permit any unlawful use of an operator's or chauffeur's li-
19 cense issued to him.

1 **SEC. 248. Perjury.** Any person who makes any false affidavit, or
2 knowingly swears or affirms falsely to any matter or thing required
3 by the terms of this chapter to be sworn to or affirmed, is guilty of
4 perjury and upon conviction shall be punishable by fine or imprison-
5 ment as other persons committing perjury are punishable.

1 **SEC. 249. Driving while license denied, suspended, or revoked.**
2 Any person whose operator's or chauffeur's license, or driving privi-
3 lege, has been denied, canceled, suspended or revoked as provided in
4 this chapter, and who drives any motor vehicle upon the highways of
5 this state while such license or privilege is denied, canceled, sus-
6 pended, or revoked, is guilty of a misdemeanor and upon conviction
7 shall be punished by imprisonment* for not less than two days or
8 more than thirty days. The sentence imposed under this section shall
9 not be suspended by the court, notwithstanding the provisions of sec-
10 tion thirty-eight hundred (3800) of the code or any other provision
11 of statute.

1 **SEC. 250. Permitting unauthorized minor to drive.** No person
2 shall cause or knowingly permit his child or ward under the age of
3 eighteen years to drive a motor vehicle upon any highway when such
4 minor is not authorized hereunder or in violation of any of the pro-
5 visions of this chapter.

1 **SEC. 251. Permitting unauthorized person to drive.** No person
2 shall authorize or knowingly permit a motor vehicle owned by him
3 or under his control to be driven upon any highway by any person
4 who is not authorized hereunder or in violation of any of the pro-
5 visions of this chapter.

*Note: Place of imprisonment not fixed in enrolled bill.

1 **SEC. 252. Employing unlicensed chauffeur.** No person shall em-
2 ploy as a chauffeur of a motor vehicle any person not then licensed
3 as provided in this chapter.

1 **SEC. 253. Renting motor vehicle to another.** No person shall rent
2 a motor vehicle to any other person unless the latter person is then
3 duly licensed hereunder or, in the case of a nonresident, then duly
4 licensed under the laws of the state or country of his residence except
5 a nonresident whose home state or country does not require that an
6 operator be licensed.

1 **SEC. 254. License inspected.** No person shall rent a motor vehicle
2 to another until he has inspected the operator's or chauffeur's license
3 of the person to whom the vehicle is to be rented and compared and
4 verified the signature thereon with the signature of such person writ-
5 ten in his presence.

1 **SEC. 255. Record kept.** Every person renting a motor vehicle to
2 another shall keep a record of the registration number of the motor
3 vehicle so rented, the name and address of the person to whom the
4 vehicle is rented, the number of the license of said latter person and
5 the date and place when and where said license was issued. Such
6 record shall be open to inspection by any police officer or officer or
7 employee of the department.

HOURS OF OPERATION

1 **SEC. 256. Maximum mechanical operation.** No person shall oper-
2 ate a commercial vehicle for hire for more than a period of twelve
3 hours out of any period of twenty-four hours upon the highways of
4 this state without being relieved from duty for ten consecutive hours
5 and where a driver puts in twelve hours of driving out of any period
6 of twenty-four hours, though not consecutive he must be given at
7 least eight hours off duty.

1 **SEC. 257. Maximum operation by employee.** No person, firm,
2 partnership, association or corporation shall require or permit any
3 employee or person to drive or operate any commercial motor vehicle
4 upon the public highways of this state in violation of the provisions
5 of section two hundred fifty-six (256).

1 **SEC. 258. Violations.** Any person, firm, partnership, association
2 or corporation violating any of the provisions of sections two hun-
3 dred fifty-six (256) and two hundred fifty-seven (257) shall be guilty
4 of a misdemeanor and, upon conviction, may be fined not less than
5 twenty-five dollars, nor more than one hundred dollars.

LAW OF THE ROAD OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

1 **SEC. 259. Provisions refer to highways—exceptions.** The provi-
2 sions of this chapter relating to the operation of vehicles refer exclu-
3 sively to the operation of vehicles upon highways except:

4 1. Where a different place is specifically referred to in a given
5 section.

6 2. The provisions of sections two hundred ninety-two (292) to
7 three hundred five (305), inclusive, and sections three hundred eleven

8 (311) to three hundred fifteen (315), inclusive, shall apply upon
9 highways and elsewhere throughout the state.

1 **SEC. 260. Obedience to police officers.** No person shall willfully
2 fail or refuse to comply with any lawful order or direction of any
3 peace officer invested by law with authority to direct, control, or
4 regulate traffic.

1 **SEC. 261. Public officers not exempt.** The provisions of this chap-
2 ter applicable to the drivers of vehicles upon the highways shall ap-
3 ply to the drivers of all vehicles owned or operated by the United
4 States, this state or any county, city, town, district, or any other
5 political subdivision of the state, subject to such specific exceptions
6 as are set forth in this chapter with reference to authorized emer-
7 gency vehicles.

1 **SEC. 262. Emergency vehicles.** The driver of any authorized
2 emergency vehicle when responding to an emergency call upon ap-
3 proaching a red or stop signal or any stop sign shall slow down as
4 necessary for safety but may proceed cautiously past such red or
5 stop sign or signal. At other times drivers of authorized emergency
6 vehicles shall stop in obedience to a stop sign or signal.

1 **SEC. 263. Special privilege restricted.** No driver of any authorized
2 emergency vehicle shall assume any special privilege under this chap-
3 ter except when such vehicle is operated in response to an emergency
4 call or in the immediate pursuit of an actual or suspected violator of
5 the law.

1 **SEC. 264. Road workers exempted.** The provisions of this chapter
2 shall not apply to persons, teams, motor vehicles and other equip-
3 ment while actually engaged in work upon the surface of a highway
4 but shall apply to such persons and vehicles when traveling to or from
5 such work.

1 **SEC. 265. Bicycles or animal-drawn vehicles.** Every person rid-
2 ing a bicycle or an animal or driving any animal drawing a vehicle
3 upon a roadway shall be subject to the provisions of this chapter
4 applicable to the driver of a vehicle, except those provisions of this
5 chapter which by their nature can have no application.

1 **SEC. 266. Provisions uniform.** The provisions of this chapter
2 shall be applicable and uniform throughout this state and in all polit-
3 ical subdivisions and municipalities therein and no local authority
4 shall enact or enforce any rule or regulation in conflict with the pro-
5 visions of this chapter unless expressly authorized herein. Local
6 authorities may, however, adopt additional traffic regulations which
7 are not in conflict with the provisions of this chapter.

POWERS OF LOCAL AUTHORITIES

1 **SEC. 267. Powers of local authorities.** Local authorities shall have
2 no power to enact, enforce, or maintain any ordinance, rule or regula-
3 tion in any way in conflict with, contrary to or inconsistent with the
4 provisions of this chapter, and no such ordinance, rule or regulation
5 of said local authorities heretofore or hereafter enacted shall have
6 any force or effect, however the provisions of this chapter shall not

7 be deemed to prevent local authorities with respect to streets and
8 highways under their jurisdiction and within the reasonable exer-
9 cise of the police power from:
10 1. Regulating the standing or parking of vehicles;
11 2. Regulating traffic by means of police officers or traffic control
12 signals;
13 3. Regulating or prohibiting processions or assemblages on the
14 highways;
15 4. Designating particular highways as one way highways and re-
16 quiring that all vehicles thereon be moved in one specific direction;
17 5. Regulating the speed of vehicles in public parks;
18 6. Designating any highway as a through highway and requiring
19 that all vehicles stop before entering or crossing the same or desig-
20 nating any intersection as a stop intersection and requiring all
21 vehicles to stop at one or more entrances to such intersections;
22 7. License and regulate the operation of vehicles offered to the
23 public for hire and used principally in intracity operation;
24 8. Restricting the use of highways as authorized in sections four
25 hundred ninety-five (495) to four hundred ninety-seven (497), in-
26 clusive.

1 **SEC. 268. Posting signs.** No ordinance or regulation enacted un-
2 der subdivisions four (4), five (5), six (6), or eight (8) of section
3 two hundred sixty-seven (267) shall be effective until signs giving
4 notice of such local traffic regulations are posted upon or at the en-
5 trances to the highway or part thereof affected as may be most ap-
6 propriate and shall be erected at the expense of such municipality.

1 **SEC. 269. Testing stations.** All cities and towns shall have the
2 power to acquire, establish, erect, equip, operate and maintain motor
3 vehicle testing stations therein and to pay for the same out of the
4 proceeds of the collection of fees charged for testing motor vehicles,
5 including trucks.

1 **SEC. 270. Fees.** They shall have the power to fix the amount of
2 fees, not exceeding fifty cents per test and not more than one dollar
3 per year, for the inspection of any motor vehicle or truck for any
4 defect prohibited by law upon any motor vehicle operated upon the
5 streets, alleys or thoroughfares of cities and towns. They shall have
6 additional power to set aside all fees so collected in a separate fund
7 out of which all costs and expenses in connection with or growing
8 out of the construction, establishment, equipment, operation and
9 maintenance of said station shall be paid. Any surplus remaining
10 in said fund shall be paid into a fund for traffic regulation and en-
11 forcement.

1 **SEC. 271. Compliance.** The right to use the streets, alleys and
2 thoroughfares of any city or town so passing any such ordinance
3 shall be dependent upon compliance with the terms of any such or-
4 dinance and with the laws of the state relating to motor vehicles and
5 the parking or use thereof on the streets, roads, or public highways
6 of such city or town.

1 **SEC. 272. Stickers.** The state motor vehicle department shall
2 prescribe the shape, size, color and inscription of a sticker to be

3 placed, by any such city or town so operating a motor vehicle testing
4 station hereunder, upon the windshield of any motor vehicle so pass-
5 ing the tests herein provided. Said city or town shall insert the
6 name thereof and the date said sticker was issued.

7 Said sticker when so prepared, issued and placed shall exempt the
8 owner and driver of the automobile so passing said test from any
9 other tests hereunder at any place in the state for the period for
10 which said sticker was issued.

1 **SEC. 273. Traffic council.** Any city which has set up a traffic
2 safety council, or other body, by ordinance, for the construction, op-
3 eration and maintenance of any such testing station, shall continue
4 to so operate, maintain, supervise, and control said station through
5 said traffic safety council.

1 **SEC. 274. Penalty.** Cities and towns shall have the power to en-
2 force any such ordinance by fine, not exceeding twenty-five dollars,
3 or imprisonment, not exceeding seven days, in default of payment,
4 which said fine or imprisonment may be imposed upon either the
5 owner or operator of any such vehicle.

1 **SEC. 275. Scope.** Cities and towns may provide for the inspec-
2 tion of motor vehicles and trucks operated upon the streets, alleys or
3 thoroughfares thereof when owned or operated by residents, or by
4 persons gainfully employed, in any such city or town where so op-
5 erated.

1 **SEC. 276. Control by department.** The state motor vehicle de-
2 partment shall have supervision and control over the type of tests
3 and the facilities therefor in any such motor vehicle testing station,
4 and any such city or town desiring to establish any such station shall
5 first procure the approval thereof by the motor vehicle department.

1 **SEC. 277. Payment from earnings.** Cities and towns shall have
2 additional powers to pay for any such testing station or stations and
3 the equipment, maintenance and operation thereof out of past or
4 future earnings of said station or stations or out of the general fund,
5 and cities and towns may issue revenue bonds for the acquisition,
6 erection, establishment, equipment, operation and maintenance of
7 any such station or stations, which said bonds shall be payable solely
8 from the earnings, of said station or stations.

1 **SEC. 278. Ordinances.** All ordinances, rules and regulations
2 which may have been or which may be hereafter enacted in pursu-
3 ance of the above enumerated powers, shall remain in full force and
4 effect.

1 **SEC. 279. Parks and cemeteries.** Local authorities may by gen-
2 eral rule, ordinance, or regulation exclude vehicles from any cemetery
3 or ground used for the burial of the dead, or exclude vehicles used
4 solely or principally for commercial purposes, from any park or part
5 of a park system where such general rule, ordinance, or regulation
6 is applicable equally and generally to all other vehicles used for the
7 same purpose, if, at the entrance, or at each entrance if there be more
8 than one, to such cemetery or park from which vehicles are so ex-
9 cluded, there shall have been posted a sign plainly legible from the

10 middle of the public highway on which such cemetery or park opens,
11 plainly indicating such exclusion and prohibition.

1 **SEC. 280. School zones.** Cities and towns shall have the power to
2 establish school zones and provide for the stopping of all motor
3 vehicles approaching said zones, when movable stop signs have been
4 placed in the streets at the limits of the zones, this notwithstanding
5 the provisions of any statute to the contrary.

1 **SEC. 281. Discriminations.** When the local authorities of other
2 states shall, by the adoption of rules and regulations or otherwise,
3 prohibit motor vehicles registered under the laws of this state from
4 operating upon highways in any subdivision of such other state, the
5 local authorities of this state may, by ordinance or otherwise, require
6 the motor vehicles of the subdivisions of such other state while op-
7 erating by their own power in this state to be registered under the
8 laws of this state.

1 **SEC. 282. Rights of owners of real property.** Nothing in this
2 chapter shall be construed to prevent the owner of real property used
3 by the public for purposes of vehicular travel by permission of the
4 owner and not as matter of right from prohibiting such use, or from
5 requiring other or different or additional conditions than those speci-
6 fied in this chapter, or otherwise regulating such use as may seem
7 best to such owner.

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

1 **SEC. 283. Highway commission to adopt sign manual.** The state
2 highway commission shall adopt a manual and specifications for a
3 uniform system of traffic-control devices consistent with the provi-
4 sions of this chapter for use upon highways within this state. Such
5 uniform system shall correlate with and so far as possible conform
6 to the system then current as approved by the American association
7 of state highway officials.

1 **SEC. 284. Highway commission to erect signs.** The state high-
2 way commission shall place and maintain such traffic-control devices,
3 conforming to its manual and specifications, upon all primary high-
4 ways as it shall deem necessary to indicate and to carry out the pro-
5 visions of this chapter or to regulate, warn, or guide traffic. When-
6 ever practical, said devices or signs shall be purchased from the
7 board of control.

1 **SEC. 285. Local authorities restricted.** No local authority shall
2 place or maintain any traffic-control device upon any highway under
3 the jurisdiction of the state highway commission except by the latter's
4 permission.

1 **SEC. 286. Local traffic-control devices.** Local authorities in their
2 respective jurisdiction shall place and maintain such traffic-control
3 devices upon highways under their jurisdiction as they may deem
4 necessary to indicate and to carry out the provisions of this chapter
5 or local traffic ordinances or to regulate, warn, or guide traffic. All
6 such traffic-control devices hereafter erected shall conform to the
7 state manual and specifications.

1 **SEC. 287. Obedience to official traffic-control devices.** No driver
2 of a vehicle or motorman of a street car shall disobey the instructions
3 of any official traffic-control device placed in accordance with the pro-
4 visions of this chapter, unless at the time otherwise directed by a
5 police officer.

1 **SEC. 288. Traffic-control signal legend.** Whenever traffic is con-
2 trolled by traffic-control signals exhibiting the words "Go", "Caution"
3 or "Stop" or exhibiting different colored lights successively one at
4 a time the following colors only shall be used and said terms and lights
5 shall indicate as follows:

6 *Green alone or "Go"*

7 Vehicular traffic facing the signal may proceed straight through or
8 turn right or left unless a sign at such place prohibits either such
9 turn. But vehicular traffic shall yield the right-of-way to other
10 vehicles and to pedestrians lawfully within the intersection at the
11 time such signal is exhibited.

12 Pedestrians facing the signal may proceed across the roadway
13 within any marked or unmarked crosswalk.

14 *Yellow alone or "Caution"* when shown following the green or "Go"
15 signal.

16 Vehicular traffic facing the signal shall stop before entering the
17 nearest crosswalk at the intersection, but if such stop cannot be made
18 in safety a vehicle may be driven cautiously through the intersection.

19 Pedestrians facing such signal are thereby advised that there is in-
20 sufficient time to cross the roadway, and any pedestrian then start-
21 ing to cross shall yield the right-of-way to all vehicles.

22 *Red alone or "Stop".*

23 Vehicular traffic facing the signal shall stop before entering the
24 nearest crosswalk at an intersection or at such other point as may be
25 indicated by a clearly visible line and shall remain standing until
26 green or "Go" is shown alone.

27 No pedestrian facing such signal shall enter the roadway unless he
28 can do so safely and without interfering with any vehicular traffic.

29 *Red with green arrow.*

30 Vehicular traffic facing such signal may cautiously enter the inter-
31 section only to make the movement indicated by such arrow but shall
32 not interfere with other traffic or endanger pedestrians lawfully
33 within a crosswalk.

34 No pedestrian facing such signal shall enter the roadway unless he
35 can do so safely and without interfering with any vehicular traffic.

36 The motorman of any street car shall obey all the above signals as
37 applicable to vehicles.

1 **SEC. 289. Flashing signals.** Whenever flashing red or yellow sig-
2 nals are used they shall require obedience by vehicular traffic as fol-
3 lows:

4 1. *Flashing red* (Stop signal). When a red lens is illuminated by
5 rapid intermittent flashes, drivers of vehicles shall stop before en-
6 tering the nearest crosswalk at an intersection or at a limit line when
7 marked and the right to proceed shall be subject to the rules appli-
8 cable after making a stop at a stop sign.

9 2. *Flashing yellow* (Caution signal). When a yellow lens is il-
10 luminated with rapid intermittent flashes, drivers of vehicles may

11 proceed through the intersection or past such signal only with cau-
12 tion.

1 **SEC. 290. Unauthorized signs, signals, or markings.** No person
2 shall place, maintain, or display upon or in view of any highway any
3 unauthorized sign, signal, marking, or device which purports to be or
4 is an imitation of or resembles an official parking sign, curb or other
5 marking, traffic-control device or railroad sign or signal, or which
6 attempts to direct the movement of traffic, or which hides from view
7 or interferes with the effectiveness of any official traffic-control device
8 or any railroad sign or signal, and no person shall place or maintain
9 nor shall any public authority permit upon any highway any traffic
10 sign or signal bearing thereon any commercial advertising. This
11 shall not be deemed to prohibit the erection upon private property
12 adjacent to highways of signs giving useful directional information
13 of a type that cannot be mistaken for official signs.

14 Every such prohibited sign, signal, or marking is hereby declared
15 to be a public nuisance and the authority having jurisdiction over the
16 highway is hereby empowered to remove the same or cause it to be
17 removed without notice.

1 **SEC. 291. Interference with devices, signs, or signals.** No person
2 shall without lawful authority attempt to or in fact alter, deface,
3 injure, knock down, or remove any official traffic-control device or
4 any railroad sign or signal or any inscription, shield, or insignia
5 thereon, or any other part thereof.

ACCIDENTS

1 **SEC. 292. Death or personal injuries.** The driver of any vehicle
2 involved in an accident resulting in injury to or death of any person
3 shall immediately stop such vehicle at the scene of such accident or
4 as close thereto as possible but shall then forthwith return to and in
5 every event shall remain at the scene of the accident until he has
6 fulfilled the requirements of section two hundred ninety-four (294).
7 Every such stop shall be made without obstructing traffic more than
8 is necessary.

9 Any person failing to stop or to comply with said requirements un-
10 der such circumstances shall upon conviction be punished by im-
11 prisonment* for not less than thirty days nor more than one year or
12 by fine of not less than one hundred dollars nor more than five thou-
13 sand dollars, or by both such fine and imprisonment.

14 The commissioner shall revoke the operator's or chauffeur's license
15 of the person so convicted.

1 **SEC. 293. Damage to vehicle.** The driver of any vehicle involved
2 in an accident resulting only in damage to a vehicle which is driven or
3 attended by any person shall immediately stop such vehicle at the
4 scene of such accident or as close thereto as possible but shall forth-
5 with return to and in every event shall remain at the scene of such
6 accident until he has fulfilled the requirements of section two hundred
7 ninety-four (294). Every such stop shall be made without obstruct-
8 ing traffic more than is necessary. Any person failing to stop or
9 comply with said requirements under such circumstances shall be

*Note: Place of imprisonment not specified in enrolled bill.

10 guilty of a misdemeanor and punished as provided in section five
11 hundred (500).

1 **SEC. 294. Information and aid.** The driver of any vehicle involved
2 in an accident resulting in injury to or death of any person or damage
3 to any vehicle which is driven or attended by any person shall give
4 his name, address, and the registration number of the vehicle he is
5 driving and shall upon request and if available exhibit his operator's
6 or chauffeur's license to the person struck or the driver or occupant
7 of or person attending any vehicle collided with and shall render to
8 any person injured in such accident reasonable assistance, including
9 the carrying, or the making of arrangements for the carrying, of
10 such person to a physician, surgeon, or hospital for medical or
11 surgical treatment if it is apparent that such treatment is necessary
12 or if such carrying is requested by the injured person.

1 **SEC. 295. Striking unattended vehicle.** The driver of any vehicle
2 which collides with any vehicle which is unattended shall immediately
3 stop and shall then and there either locate and notify the operator or
4 owner of such vehicle of the name and address of the driver and
5 owner of the vehicle striking the unattended vehicle or shall leave in
6 a conspicuous place in the vehicle struck a written notice giving the
7 name and address of the driver and of the owner of the vehicle
8 doing the striking and a statement of the circumstances thereof.

1 **SEC. 296. Striking fixtures upon a highway.** The driver of any
2 vehicle involved in an accident resulting only in damage to property
3 legally upon or adjacent to a highway shall take reasonable steps to
4 locate and notify the owner or person in charge of such property of
5 such fact and of his name and address and of the registration number
6 of the vehicle he is driving and shall upon request and if available
7 exhibit his operator's or chauffeur's license and shall make report of
8 such accident when and as required in section two hundred ninety-
9 seven (297).

1 **SEC. 297. Reporting accidents.** The driver of a vehicle involved
2 in an accident resulting in injury to or death of any person or total
3 property damage to an apparent extent of twenty-five dollars or
4 more shall, immediately after such accident, report the accident, to-
5 gether with the said information, at the office of some peace officer
6 as near as practicable to the place of injury or to the county attorney
7 or sheriff of the county in which said injury took place. A report
8 shall be made by the peace officer to whom a report of an accident is
9 made on duplicate forms furnished by the department, one of which
10 shall be immediately forwarded by said peace officer to the depart-
11 ment, in containers furnished and postage paid by the department.
12 The parent or personal guardian of a minor driver may, if present at
13 the accident, make the report required by this section.

1 **SEC. 298. Supplemental reports.** The department may require
2 any driver of a vehicle involved in an accident of which report must
3 be made as provided in section two hundred ninety-seven (297) to
4 file supplemental reports whenever the original report is insufficient
5 in the opinion of the department and may require witnesses of acci-
6 dents to render reports to the department.

1 **SEC. 299. Driver unable to report.** Whenever the driver of a
2 vehicle is physically incapable of making a required accident report
3 and there was another occupant in the vehicle at the time of the acci-
4 dent capable of making a report, such occupant shall make or cause
5 to be made said report.

1 **SEC. 300. Accident report forms.** The department shall prepare
2 and upon request supply to police departments, coroners, sheriffs,
3 and other suitable agencies or individuals, forms for accident reports
4 required hereunder, which reports shall call for sufficiently detailed
5 information to disclose with reference to a traffic accident the cause,
6 condition then existing, and the persons and vehicles involved.
7 Every required accident report shall be made on a form approved
8 by the department if said form is available.

1 **SEC. 301. Coroners to report.** Every coroner or other official per-
2 forming like functions shall on or before the tenth day of each month
3 report in writing to the department the death of any person within
4 his jurisdiction during the preceding calendar month as the result
5 of an accident involving a motor vehicle and the circumstances of
6 such accident.

1 **SEC. 302. Reports confidential.** All required accident reports and
2 supplemental reports shall be without prejudice to the individual so
3 reporting and shall be for the confidential use of the department ex-
4 cept that the department shall disclose the identity of a person in-
5 volved in an accident when such identity is not otherwise known or
6 when such person denies his presence at such accident. No such re-
7 port shall be used as evidence in any trial, civil or criminal, arising
8 out of an accident, except that the department shall furnish upon
9 demand of any person who has, or claims to have, made such a re-
10 port or, upon demand of any court, a certificate showing that a speci-
11 fied accident report has or has not been made to the department solely
12 to prove a compliance or a failure to comply with the requirement
13 that such a report be made to the department.

1 **SEC. 303. Tabulation of reports.** The department shall tabulate
2 and may analyze all accident reports and shall publish annually or at
3 more frequent intervals statistical information based thereon as to
4 the number and circumstances of traffic accidents.

1 **SEC. 304. City may require reports.** Any incorporated city, town,
2 or other municipality may by ordinance require that the driver of a
3 vehicle involved in an accident shall also file with a designated city
4 department a report of such accident or a copy of any report herein
5 required to be filed with the department. All such reports shall be
6 for the confidential use of the city department and subject to the pro-
7 visions of section three hundred two (302).

1 **SEC. 305. Accidents in first class cities.** When the accident occurs
2 within the corporate limits of any city of the first class, the accident
3 and all information in connection therewith, as required in this chap-
4 ter, shall be reported at the office of the chief of police and when re-
5 ported elsewhere shall not constitute a compliance with the provi-
6 sions of this section.

ACCIDENT LIABILITY

1 **SEC. 306. Suspension of licenses.** Whenever a final judgment is
 2 recovered in any court of record of this state in an action for damages
 3 for injury to or death of a person or for injury to property caused
 4 by the operation or ownership of any motor vehicle on the highways
 5 of the state, and such judgment shall remain unsatisfied and unstayed
 6 for a period of sixty days after the entry thereof, a transcript of such
 7 judgment duly authenticated may be filed with the commissioner and
 8 thereupon the commissioner shall forthwith suspend the license, if
 9 any, of the judgment debtor or debtors, as the case may be, to operate
 10 a motor vehicle on the highways of the state and shall forthwith sus-
 11 pend the registration of any and every motor vehicle registered in
 12 the name of such judgment debtor or debtors, and the commissioner
 13 shall forthwith notify such owner or owners by registered mail of
 14 such cancellation and the owner or owners so notified shall immedi-
 15 ately upon receipt of such notice surrender to the county treasurer
 16 all registration plates so suspended, and such suspension shall not be
 17 removed nor such registration plates returned by the county treas-
 18 urer nor shall a license to operate a motor vehicle thereafter be is-
 19 sued to such judgment debtor or debtors, nor shall a motor vehicle
 20 be registered in the name of such judgment debtor or debtors until
 21 proof that such judgment has been stayed, satisfied or otherwise dis-
 22 charged of record shall be filed with the county treasurer.

1 **SEC. 307. Satisfaction of judgment.** When five thousand dollars
 2 has been credited upon any judgment or judgments, rendered in ex-
 3 cess of that amount for personal injury to or the death of one per-
 4 son as the result of any one accident, or, when subject to the limit
 5 of five thousand dollars for each person, the sum of ten thousand
 6 dollars has been credited upon any judgments rendered in excess of
 7 that amount for personal injury to or the death of more than one
 8 person as a result of any one accident, or, when one thousand dollars
 9 has been credited upon any judgment or judgments, rendered in ex-
 10 cess of that amount for damage to property as the result of any one
 11 accident, resulting from the ownership or operation of a motor vehicle
 12 by such judgment debtor, or with his permission express or implied,
 13 then and in such event such payments or payment shall be deemed a
 14 satisfaction of such judgment or judgments for the purposes of this
 15 section only.

1 **SEC. 308. Final judgment defined.** No judgment shall be deemed
 2 final after an appeal from such judgment is perfected and a super-
 3 sedeas bond is executed, filed and approved as provided in section
 4 twelve thousand eight hundred fifty-eight (12858) of the code.

1 **SEC. 309. Registration reinstated.** If after registration has been
 2 suspended a judgment is satisfied or otherwise stayed or rendered
 3 non-final by the perfecting of an appeal and by the execution, filing,
 4 and approval of a supersedeas bond, the county treasurer shall rein-
 5 state and reregister such registrations so suspended, and shall forth-
 6 with return such registration plates so surrendered, and the depart-
 7 ment shall return the operator's or chauffeur's license so suspended.

1 **SEC. 310. Operation during suspension.** The operation of a motor
 2 vehicle on the highways of this state during the period of such sus-

3 pension by any person whose right to operate a motor vehicle in this
 4 state shall have been suspended under the provisions of sections three
 5 hundred six (306) and three hundred seven (307) shall constitute a
 6 misdemeanor, and upon conviction thereof, shall be punished by a
 7 fine of not less than twenty-five dollars, nor more than one hun-
 8 dred dollars.

DRIVING WHILE INTOXICATED AND RECKLESS DRIVING

1 **SEC. 311. Assaults and homicide.** A conviction of the violation of
 2 any of the provisions of this chapter shall not be a bar to a prosecu-
 3 tion for an assault or for a homicide committed by any person in
 4 operating motor vehicles.

1 **SEC. 312. Operating while intoxicated.** Whoever, while in an in-
 2 toxicated condition or under influence of narcotic drugs, operates a
 3 motor vehicle upon the public highways of this state, shall, upon
 4 conviction or a plea of guilty, be punished, for the first offense by
 5 a fine of not less than three hundred dollars nor more than one
 6 thousand dollars, or by imprisonment in the county jail for a period
 7 of not to exceed one year, or by both such fine and imprisonment;
 8 for the second offense by a fine of not less than five hundred dollars,
 9 nor more than one thousand dollars, or by imprisonment in the peni-
 10 tentiary for a period of not to exceed one year, or by both such fine
 11 and imprisonment; and for a third offense by imprisonment in the
 12 penitentiary for a period not to exceed three years.

1 **SEC. 313. Violations.** If any person who has been convicted or
 2 pleaded guilty to driving or operating a motor vehicle upon the pub-
 3 lic highways of this state while in an intoxicated condition is found
 4 driving or operating any motor vehicle in violation of the provisions
 5 of sections two hundred five (205) and two hundred forty (240) he
 6 shall, without regard to any other punishment provided by law, be
 7 imprisoned in the county jail for a period of not to exceed thirty days.

1 **SEC. 314. Reckless driving.** Any person who drives any vehicle in
 2 such manner as to indicate either a wilful or a wanton disregard
 3 for the safety of persons or property is guilty of reckless driving.

1 **SEC. 315. Punishment.** Every person convicted of reckless driv-
 2 ing shall be punished upon a conviction by imprisonment* for a
 3 period of not more than thirty days, or by fine of not less than twenty-
 4 five dollars, nor more than one hundred dollars.

SPEED RESTRICTIONS

1 **SEC. 316. Speed restrictions.** Any person driving a motor vehicle
 2 on a highway shall drive the same at a careful and prudent speed not
 3 greater than nor less than is reasonable and proper, having due re-
 4 gard to the traffic, surface and width of the highway and of any other
 5 conditions then existing, and no person shall drive any vehicle upon
 6 a highway at a speed greater than will permit him to bring it to a stop
 7 within the assured clear distance ahead, such driver having the right

*Note: Place of imprisonment not fixed in enrolled bill.

8 to assume, however, that all persons using said highway will observe
9 the law.

10 The following shall be the lawful speed except as hereinbefore or
11 hereinafter modified, and any speed in excess thereof shall be un-
12 lawful:

13 1. Twenty miles (20) per hour in any business or school district.

14 2. Twenty-five (25) miles per hour in any residence district.

15 3. Thirty-five (35) miles per hour for any motor vehicle drawing
16 another vehicle.

1 SEC. 317. **Truck speed limits.** It shall be unlawful for the driver
2 of a freight carrying vehicle, with a gross weight of over 5,000
3 pounds, to drive the same at a speed exceeding the following:

4 1. Forty miles per hour for any freight carrying vehicle which is
5 equipped with pneumatic tires.

6 2. Twenty miles per hour for any freight carrying vehicle equipped
7 with solid rubber tires, if the weight of the vehicle and load is less
8 than six tons, and twelve miles per hour for any freight carrying
9 vehicle equipped with solid rubber tires, if the weight of the vehicle
10 and load is more than six tons.

1 SEC. 318. **Bus speed limits.** No passenger carrying motor vehicle
2 used as a common carrier, except school busses, shall be driven upon
3 the highways at a greater rate of speed than forty-five miles per
4 hour. No school bus shall be operated in violation of section four
5 hundred three (403).

1 SEC. 319. **Control of vehicle.** The person operating a motor vehicle
2 or motorcycle shall have the same under control and shall reduce the
3 speed to a reasonable and proper rate:

4 1. When approaching and passing a person walking in the traveled
5 portion of the public highway.

6 2. When approaching and passing an animal which is being led,
7 ridden, or driven upon a public highway.

8 3. When approaching and traversing a crossing or intersection of
9 public highways, or a bridge, or a sharp turn, or a curve, or a steep
10 descent, in a public highway.

1 SEC. 320. **Speed signs—duty to install.** The state highway com-
2 mission shall furnish and place on primary roads or on extensions
3 of primary roads within any city or town suitable standard signs
4 showing the points at which the rate of speed changes and the maxi-
5 mum rate of speed in the district which the vehicle is entering. On
6 all other main highways the city or town shall furnish and erect
7 suitable signs giving similar information to traffic on such highways.

1 SEC. 321. **Special restrictions.** Whenever the state highway com-
2 mission shall determine upon the basis of an engineering and traffic
3 investigation that any speed limit hereinbefore set forth is greater
4 than is reasonable or safe under the conditions found to exist at any
5 intersection or other place or upon any part of a highway, said com-
6 mission shall determine and declare a reasonable and safe speed
7 limit thereat which shall be effective when appropriate signs giving
8 notice thereof are erected at such intersection or other place or part
9 of the highway.

1 **SEC. 322. Information or notice.** In every charge of violation of
2 sections three hundred sixteen (316) to three hundred eighteen
3 (318), inclusive, the information, also the notice to appear, shall
4 specify the speed at which the defendant is alleged to have driven,
5 also the speed limit applicable within the district or at the location.

1 **SEC. 323. Civil action unaffected.** The foregoing provisions of
2 sections three hundred sixteen (316) to three hundred eighteen (318)
3 inclusive, shall not be construed to relieve the plaintiff in any civil
4 action from the burden of proving negligence upon the part of the
5 defendant as the proximate cause of an accident.

1 **SEC. 324. Local authorities may alter limits.** Local authorities in
2 their respective jurisdiction may in their discretion authorize by
3 ordinance higher speeds than those stated in section three hundred
4 sixteen (316) upon through highways or upon highways or portions
5 thereof where stop signs have been erected at the entrances thereto
6 provided signs are erected giving notice of the authorized speed, but
7 local authorities shall not have authority to authorize by ordinance a
8 speed in excess of fifty-five miles per hour.

1 **SEC. 325. Minimum speed regulation.** No person shall drive a
2 motor vehicle at such a slow speed as to impede or block the normal
3 and reasonable movement of traffic except when reduced speed is
4 necessary for safe operation or in compliance with law. Peace of-
5 ficers are hereby authorized to enforce this provision by directions to
6 drivers, and in the event of apparent wilful disobedience to this pro-
7 vision and refusal to comply with direction of an officer in accordance
8 herewith the continued slow operation by a driver shall be a mis-
9 demeanor, and be punished as provided in section five hundred (500).

1 **SEC. 326. Limitation on elevated structures.** No person shall
2 drive a vehicle over any bridge or other elevated structure consti-
3 tuting a part of a highway at a speed which is greater than the maxi-
4 mum speed which can be maintained with safety to such bridge or
5 structure, when such structure is sign-posted as provided in this
6 section.

7 The state highway commission upon request from any local au-
8 thority shall, or upon its own initiative may, conduct an investiga-
9 tion of any bridge or other elevated structure constituting a part
10 of a highway, and if it shall thereupon find that such structure can-
11 not with safety to itself withstand vehicles traveling at the speed
12 otherwise permissible under this chapter, the commission shall de-
13 termine and declare the maximum speed of vehicles which such struc-
14 ture can withstand, and shall cause or permit suitable signs stating
15 such maximum speed to be erected and maintained at a distance of
16 two hundred feet before each end of such structure.

17 Upon the trial of any person charged with a violation of this sec-
18 tion, proof of said determination of the maximum speed by said
19 commission and the existence of said signs shall constitute conclusive
20 evidence of the maximum speed which can be maintained with safety
21 to such bridge or structure.

1 **SEC. 327. Emergency vehicles—speed.** The speed limitations set
2 forth in this chapter shall not apply to authorized emergency vehicles

3 when responding to emergency calls and the drivers thereof sound
 4 audible signal by bell, siren, or exhaust whistle. This provision shall
 5 not relieve the driver of an authorized emergency vehicle from the
 6 duty to drive with due regard for the safety of all persons using the
 7 streets, nor shall it protect the driver of any such vehicle from the
 8 consequence of his negligence.

DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING
 AND PASSING, ETC.

1 SEC. 328. **Traveling on right-hand side.** The operator of a motor
 2 vehicle, in cities and towns, shall at all times travel on the right-
 3 hand side of the center of the street.

1 SEC. 329. **Meeting and turning to right.** Persons on horseback, or
 2 in vehicles, including motor vehicles, meeting each other on the public
 3 highway, shall give one-half of the traveled way thereof by turning
 4 to the right.

1 SEC. 330. **Overtaking a vehicle.** The following rules shall govern
 2 the overtaking and passing of vehicles proceeding in the same di-
 3 rection, subject to those limitations, exceptions, and special rules
 4 hereinafter stated:

5 The driver of a vehicle overtaking another vehicle proceeding in
 6 the same direction shall pass to the left thereof at a safe distance
 7 and shall not again drive to the right side of the roadway until safely
 8 clear of the overtaken vehicle.

9 Except when overtaking and passing on the right is permitted, the
 10 driver of an overtaken vehicle shall give way to the right in favor of
 11 the overtaking vehicle on audible signal and shall not increase the
 12 speed of his vehicle until completely passed by the overtaking vehicle.

1 SEC. 331. **Failure to recognize signal.** Any driver of a vehicle
 2 that is overtaken by a faster moving vehicle who fails to heed the
 3 signal of the overtaking vehicle when it is given under such circum-
 4 stances that he could, by the exercise of ordinary care and observa-
 5 tion and precaution, hear such signal and who fails to yield that part
 6 of the traveled way as herein provided, shall be guilty of a misde-
 7 meanor punishable as provided in section five hundred (500).

1 SEC. 332. **Burden of proof.** Upon proof that a signal was given as
 2 contemplated by section three hundred thirty-one (331), the bur-
 3 den shall rest upon the accused to prove that he did not hear said
 4 signal.

1 SEC. 333. **Overtaking on the right.** The driver of a vehicle may
 2 overtake and pass upon the right of another vehicle which is making
 3 or about to make a left turn.

4 The driver of a vehicle may overtake and, allowing sufficient clear-
 5 ance, pass another vehicle proceeding in the same direction either
 6 upon the left or upon the right on a roadway with unobstructed pave-
 7 ment of sufficient width for four or more lines of moving traffic when
 8 such movement can be made in safety. No person shall drive off the
 9 pavement or upon the shoulder of the roadway in overtaking or pass-
 10 ing on the right.

1 **SEC. 334. Limitations on overtaking on the left.** No vehicle shall
2 be driven to the left side of the center of the roadway in overtaking
3 and passing another vehicle proceeding in the same direction unless
4 such left side is clearly visible and is free of oncoming traffic for a
5 sufficient distance ahead to permit such overtaking and passing to
6 be completely made without interfering with the safe operation of
7 any vehicle approaching from the opposite direction or any vehicle
8 overtaken. In every event the overtaking vehicle must return to
9 the right-hand side of the roadway before coming within one hundred
10 feet of any vehicle approaching from the opposite direction.

1 **SEC. 335. Prohibited passing.** No vehicle shall, in overtaking and
2 passing another vehicle or at any other time, be driven to the left
3 side of the roadway under the following conditions:
4 1. When approaching the crest of a grade or upon a curve in the
5 highway where the driver's view along the highway is obstructed
6 for a distance of approximately seven hundred feet;
7 2. When approaching within one hundred feet of any narrow
8 bridge, viaduct, or tunnel, when so sign-posted, or when approach-
9 ing within one hundred feet of or traversing any intersection or
10 railroad grade crossing;
11 3. Where official signs are in place directing that traffic keep to
12 the right or a distinctive center line is marked, which distinctive
13 line also so directs traffic as declared in the sign manual adopted by
14 the state highway commission.

1 **SEC. 336. One-way roadways and rotary traffic islands.** Upon a
2 roadway designated and sign-posted for one-way traffic a vehicle
3 shall be driven only in the direction designated.
4 A vehicle passing around a rotary traffic island shall be driven
5 only to the right of such island.

1 **SEC. 337. Roadways laned for traffic.** Whenever any roadway has
2 been divided into three or more clearly marked lanes for traffic the
3 following rules in addition to all others consistent herewith shall
4 apply:
5 A vehicle shall be driven as nearly as practical entirely within a
6 single lane and shall not be moved from such lane until the driver
7 has first ascertained that such movement can be made with safety.
8 Upon a roadway which is divided into three lanes a vehicle shall
9 not be driven in the center lane except when overtaking and passing
10 another vehicle where the roadway is clearly visible and such center
11 lane is clear of traffic within a safe distance, or in preparation for
12 a left turn or where such center lane is at the time allocated ex-
13 clusively to traffic moving in the direction the vehicle is proceeding
14 and is sign-posted to give notice of such allocation.
15 Official signs may be erected directing slow-moving traffic to use
16 a designated lane or allocating specified lanes to traffic moving in
17 the same direction and drivers of vehicles shall obey the directions
18 of every such sign.

1 **SEC. 338. Following too closely.** The driver of a motor vehicle
2 shall not follow another vehicle more closely than is reasonable and
3 prudent, having due regard for the speed of such vehicles and the
4 traffic upon and the condition of the highway.

1 **SEC. 339. Spacing in convoys.** The driver of any motor truck, or
 2 of a motor vehicle drawing another vehicle, when traveling upon a
 3 roadway, outside of a business or residence district shall not follow
 4 within three hundred feet of another motor truck, or of a motor
 5 vehicle drawing another vehicle. The provisions of this section
 6 shall not be construed to prevent overtaking and passing nor shall
 7 the same apply upon any lane specially designated for use by motor
 8 trucks.

1 **SEC. 339-a1.** No person shall pull or tow by motor vehicle another
 2 motor vehicle over any highway outside the limits of any incorpo-
 3 rated city or town, except in case of temporary movement for repair
 4 or other emergency, unless such person has complied with the pro-
 5 visions of sections eighty-eight (88) and eighty-nine (89) of this
 6 act. Provided, however, if such person is a non-resident of the
 7 State of Iowa, and has complied with the laws of the state of his
 8 residence governing licensing and registration as a transporter of
 9 motor vehicles he shall not be required to pay the fee provided in
 10 Section eighty-nine (89) but only to submit proof of his status as
 11 a bona fide manufacturer or transporter as may reasonably be re-
 12 quired by the department.

13 Every person pulling or towing by motor vehicle another motor
 14 vehicle in convoy or caravan shall maintain a distance of at least
 15 500 feet between the units of said convoy or caravan.

16 The drawbar or towing arm between a motor vehicle pulling or
 17 towing another motor vehicle shall be of a type approved by the
 18 commissioner.

19 No truck shall, after January 1, 1939, pull or tow any four-wheeled
 20 trailer, and no semi-trailer shall pull or tow any additional trailer
 21 over any of the highways in this state, except in case of temporary
 22 movement for repair or emergency, and then only to the nearest
 23 town or city where the necessary repairs may be made.

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

1 **SEC. 340. Turning at intersections.** The driver of a vehicle in-
 2 tending to turn at an intersection shall do so as follows:

3 Both the approach for a right turn and right turn* shall be made
 4 as close as practical to the right-hand curb or edge of the roadway.

5 Approach for a left turn shall be made in that portion of the right
 6 half of the roadway nearest the center line thereof and after enter-
 7 ing the intersection the left turn shall be made so as to depart from
 8 the intersection to the right of the center line of the roadway being
 9 entered.

10 Approach for a left turn from a two-way street into a one-way
 11 street shall be made in that portion of the right half of the roadway
 12 nearest the center line thereof and by passing to the right of such
 13 center line where it enters the intersection. A left turn from a one-
 14 way street into a two-way street shall be made by passing to the
 15 right of the center line of the street being entered upon leaving the
 16 intersection.

*Note: In accordance with enrolled bill.

17 Local authorities in their respective jurisdictions may cause mark-
 18 ers, buttons, or signs to be placed within or adjacent to intersections
 19 and thereby require and direct that a different course from that
 20 specified in this section be traveled by vehicles turning at an inter-
 21 section, and when markers, buttons, or signs are so placed no driver
 22 of a vehicle shall turn a vehicle at an intersection other than as di-
 23 rected and required by such markers, buttons, or signs.

1 **SEC. 341. Turning on curve or crest of grade.** No vehicle shall be
 2 turned so as to proceed in the opposite direction upon any curve,
 3 or upon the approach to, or near the crest of a grade or hill, where
 4 such vehicle cannot be seen by the driver of any other vehicle ap-
 5 proaching from either direction within five hundred feet.

1 **SEC. 342. Starting parked vehicle.** No person shall start a vehicle
 2 which is stopped, standing, or parked unless and until such move-
 3 ment can be made with reasonable safety.

1 **SEC. 343. When signal required.** No person shall turn a vehicle
 2 from a direct course upon a highway unless and until such move-
 3 ment can be made with reasonable safety and then only after giving
 4 a clearly audible signal by sounding the horn if any pedestrian may
 5 be affected by such movement or after giving an appropriate signal
 6 in the manner hereinafter provided in the event any other vehicle
 7 may be affected by such movement.

1 **SEC. 344. Signal continuous.** A signal of intention to turn right
 2 or left shall be given continuously during not less than the last one
 3 hundred feet traveled by the vehicle before turning.

1 **SEC. 345. Stopping.** No person shall stop or suddenly decrease
 2 the speed of a vehicle without first giving an appropriate signal in
 3 the manner provided herein to the driver of any vehicle immediately
 4 to the rear when there is opportunity to give such signal.

1 **SEC. 346. Signals by hand and arm or signal device.** The signals
 2 herein required may be given either by means of the hand and arm
 3 or other proper signal or by a signal lamp or signal device of a type
 4 approved by the department, but when a vehicle is so constructed or
 5 loaded that a hand and arm signal or other signal would not be
 6 visible both to the front and rear of such vehicle then said signals
 7 must be given by a signal lamp or device of a type approved by the
 8 department.

1 **SEC. 347. Method of giving hand and arm signals.** All signals
 2 herein required which may be given by hand and arm shall when so
 3 given be given from the left side of the vehicle and the following
 4 manner and interpretation thereof is suggested:

- 5 1. Left turn.—Hand and arm extended horizontally.
- 6 2. Right turn.—Hand and arm extended upward.
- 7 3. Stop or decrease of speed.—Hand and arm extended downward.

RIGHT-OF-WAY

1 **SEC. 348. Approaching or entering intersections.** The driver of a
 2 vehicle approaching an intersection shall yield the right-of-way to
 3 a vehicle which has entered the intersection from a different high-
 4 way.

5 When two vehicles enter an intersection from different highways
6 at the same time the driver of the vehicle on the left shall yield the
7 right-of-way to the vehicle on the right.

8 The foregoing rules are modified at through highways and other-
9 wise as hereinafter stated in this chapter.

1 **SEC. 349. Turning left at intersection.** The driver of a vehicle
2 within an intersection intending to turn to the left shall yield the
3 right-of-way to any vehicle approaching from the opposite direction
4 which is within the intersection or so close thereto as to constitute
5 an immediate hazard, but said driver, having so yielded and having
6 given a signal when and as required by this chapter, may make such
7 left turn and the drivers of all other vehicles approaching the inter-
8 section from said opposite direction shall yield the right-of-way to
9 the vehicle making the left turn.

1 **SEC. 350. Entering through highways.** The driver of a vehicle
2 shall stop as required by this chapter at the entrance to a through
3 highway and shall yield the right-of-way to other vehicles which have
4 entered the intersection from said through highway or which are ap-
5 proaching so closely on said through highway as to constitute a haz-
6 ard, but said driver having so yielded may proceed cautiously and
7 with due care enter said through highway.

1 **SEC. 351. Entering stop intersection.** The driver of a vehicle
2 shall likewise stop in obedience to a stop sign as required herein at
3 an intersection where a stop sign is erected at one or more entrances
4 thereto although not a part of a through highway and shall proceed
5 cautiously, yielding to vehicles not so obliged to stop which are
6 within the intersection or approaching so closely as to constitute a
7 hazard, but may then proceed.

1 **SEC. 352. Entering from private driveway.** The driver of a ve-
2 hicle about to enter or cross a highway from a private road or drive-
3 way shall yield the right-of-way to all vehicles approaching on said
4 highway.

1 **SEC. 353. Operation on approach of emergency vehicles.** Upon
2 the immediate approach of an authorized emergency vehicle, when
3 the driver is giving audible signal by siren, exhaust whistle, or bell,
4 the driver of every other vehicle shall yield the right-of-way and
5 shall immediately drive to a position parallel to, and as close as
6 possible to, the right-hand edge or curb of the highway clear of any
7 intersection and shall stop and remain in such position until the au-
8 thorized emergency vehicle has passed, except when otherwise di-
9 rected by a police officer.

10 Upon the approach of an authorized emergency vehicle, as above
11 stated, the motorman of every street car shall immediately stop such
12 car clear of any intersection and keep it in such position until the
13 authorized emergency vehicle has passed, except when otherwise
14 directed by a police officer.

15 This section shall not operate to relieve the driver of an authorized
16 emergency vehicle from the duty to drive with due regard for the
17 safety of all persons using the highway.

PEDESTRIANS' RIGHTS AND DUTIES

1 **SEC. 354. Pedestrians subject to signals.** Pedestrians shall be
2 subject to traffic-control signals at intersections as heretofore de-
3 clared in this chapter, but at all other places pedestrians shall be
4 accorded the privileges and shall be subject to the restrictions stated
5 in sections three hundred fifty-five (355) to three hundred fifty-nine
6 (359), inclusive.

1 **SEC. 354-a.** Pedestrians shall at all times when walking on or
2 along a highway, walk on the left side of such highway.

1 **SEC. 355. Pedestrians' right-of-way.** Where traffic-control sig-
2 nals are not in place or in operation the driver of a vehicle shall yield
3 the right-of-way, slowing down or stopping if need be to so yield, to
4 a pedestrian crossing the roadway within any marked crosswalk or
5 within any unmarked crosswalk at an intersection, except as other-
6 wise provided in this chapter.

1 **SEC. 356. Crossing at other than crosswalk.** Every pedestrian
2 crossing a roadway at any point other than within a marked cross-
3 walk or within an unmarked crosswalk at an intersection shall yield
4 the right-of-way to all vehicles upon the roadway.

5 Any pedestrian crossing a roadway at a point where a pedestrian
6 tunnel or overhead pedestrian crossing has been provided shall yield
7 the right-of-way to all vehicles upon the roadway.

8 Where traffic-control signals are in operation at any place not an
9 intersection pedestrians shall not cross at any place except in a
10 marked crosswalk.

1 **SEC. 357. Duty of driver.** Notwithstanding the provisions of sec-
2 tion three hundred fifty-six (356) every driver of a vehicle shall exer-
3 cise due care to avoid colliding with any pedestrian upon any road-
4 way and shall give warning by sounding the horn when necessary
5 and shall exercise due care upon observing any child or any confused
6 or incapacitated person upon a roadway.

1 **SEC. 358. Use of crosswalks.** Pedestrians shall move, whenever
2 practicable, upon the right half of crosswalks.

1 **SEC. 359. Pedestrians soliciting rides.** No person shall stand in
2 a roadway for the purpose of soliciting a ride from the driver of any
3 private vehicle.

4 Nothing in this section or this act shall be construed so as to pre-
5 vent any pedestrian from standing on that portion of the highway or
6 roadway, not ordinarily used for vehicular traffic, for the purpose
7 of soliciting a ride from the driver of any vehicle.

STREET CARS AND SAFETY ZONES

1 **SEC. 360. Passing street car on left.** The driver of a vehicle shall
2 not overtake and pass upon the left nor drive upon the left side of
3 any street car proceeding in the same direction, whether such street
4 car is actually in motion or temporarily at rest, except:

- 5 1. When so directed by a police officer;
- 6 2. When upon a one-way street; or

7 3. When upon a street where the tracks are so located as to pre-
8 vent compliance with this section.

1 SEC. 361. **Caution when passing.** The driver of any vehicle when
2 permitted to overtake and pass upon the left of a street car which
3 has stopped for the purpose of receiving or discharging any passen-
4 ger shall reduce speed and may proceed only upon exercising due
5 caution for pedestrians and shall accord pedestrians the right-of-way
6 when required by other sections of this chapter.

1 SEC. 362. **Passing street car on right.** The driver of a vehicle
2 overtaking upon the right any street car stopped or about to stop
3 for the purpose of receiving or discharging any passenger shall stop
4 such vehicle at least five feet to the rear of the nearest running board
5 or door of such street car and thereupon remain standing until all
6 passengers have boarded such car or upon alighting have reached a
7 place of safety, except that where a safety zone has been established
8 a vehicle need not be brought to a stop before passing any such street
9 car but may proceed past such car at a speed not greater than is
10 reasonable and proper and with due caution for the safety of pedes-
11 trians.

1 SEC. 363. **Driving on street car tracks.** The driver of any ve-
2 hicle proceeding upon any street-car track in front of a street car
3 upon a street shall remove such vehicle from the track as soon as
4 practical after signal from the operator of said street car.

1 SEC. 364. **Driving in front of street car.** When a street car has
2 started to cross an intersection, no driver of a vehicle shall drive
3 upon or cross the car tracks within the intersection in front of the
4 street car.

1 SEC. 365. **Driving through safety zone.** No vehicle shall at any
2 time be driven through or within a safety zone.

SPECIAL STOPS REQUIRED

1 SEC. 366. **Obedience to signal of train.** Whenever any person
2 driving a vehicle approaches a railroad grade crossing and warning
3 is given by automatic signal or crossing gates or a flagman or other-
4 wise of the immediate approach of a train, the driver of such vehicle
5 shall stop within fifty feet but not less than ten feet from the nearest
6 track of such railroad and shall not proceed until he can do so safely.
7 The driver of a vehicle shall stop and remain standing and not
8 traverse such a grade crossing when a crossing gate is lowered or
9 when a human flagman gives or continues to give a signal of the
10 approach or passage of a train.

1 SEC. 367. **Stop at certain railroad crossings.** The state highway
2 commission is hereby authorized to designate particularly danger-
3 ous highway grade crossings of railroads and to erect stop signs
4 thereat. When such stop signs are erected the driver of any vehicle
5 shall stop within fifty feet but not less than ten feet from the nearest
6 track of such grade crossing and shall proceed only upon exercising
7 due care.

1 **SEC. 368. Certain vehicles must stop.** The driver of any motor
2 vehicle carrying passengers for hire, or of any school bus carrying
3 any school child, or of any vehicle carrying explosive substances or
4 flammable liquids as a cargo or part of a cargo, before crossing at
5 grade any track or tracks of a railroad, shall stop such vehicle
6 within fifty feet but not less than ten feet from the nearest rail of
7 such railroad and while so stopped shall listen and look in both di-
8 rections along such track for any approaching train, and for signals
9 indicating the approach of a train, except as hereinafter provided,
10 and shall not proceed until he can do so safely.

11 No stop need be made at any such crossing where a police officer
12 or a traffic-control signal directs traffic to proceed.

13 This section shall not apply at street railway grade crossings
14 within a business or residence district.

1 **SEC. 369. Heavy equipment at crossing.** No person shall operate
2 or move any caterpillar tractor, steam shovel, derrick, roller, or any
3 equipment or structure having a normal operating speed of six or
4 less miles per hour or a vertical body or load clearance of less than
5 nine inches above the level surface of a roadway upon or across any
6 tracks at a railroad grade crossing without first complying with
7 this section.

8 Notice of any such intended crossing shall be given to a superin-
9 tendent of such railroad and a reasonable time be given to such rail-
10 road to provide proper protection at such crossing.

11 Before making any such crossing the person operating or moving
12 any such vehicle or equipment shall first stop the same not less than
13 ten feet nor more than fifty feet from the nearest rail of such rail-
14 way and while so stopped shall listen and look in both directions
15 along such track for any approaching train and for signals indicating
16 the approach of a train, and shall not proceed until the crossing
17 can be made safely.

18 No such crossing shall be made when warning is given by auto-
19 matic signal or crossing gates or a flagman or otherwise of the im-
20 mediate approach of a railroad train or car.

1 **SEC. 370. Stop at through highways.** The state highway com-
2 mission with reference to primary highways, and local authorities
3 with reference to other highways under their jurisdiction may design-
4 nate through highways and erect stop signs at specified entrances
5 thereto or may designate any intersection as a stop intersection and
6 erect like signs at one or more entrances to such intersection.

7 Every said sign shall bear the word "Stop" in letters not less than
8 six inches in height. Every stop sign shall be located as near as
9 practical at the property line of the highway at the entrance to which
10 the stop must be made, or at the nearest line of the crosswalk thereat,
11 or, if none, at the nearest line of the roadway.

12 Every driver of a vehicle and every motorman of a street car shall
13 stop at such sign or at a clearly marked stop line before entering an
14 intersection except when directed to proceed by a police officer or
15 traffic-control signal.

1 **SEC. 371. Cost of signs.** The cost of such signs on primary high-
2 ways shall be paid out of the primary road fund. The cost of such

3 signs on county trunk highways shall be paid out of the county trunk
4 road maintenance or construction fund.

1 **SEC. 372. Exceptions.** Provided that at intersections of such
2 through highways with boulevards or heavy traffic streets in cities
3 and towns, the council, subject to the approval of the state highway
4 commission, may determine that the through highway traffic shall
5 come to a stop, or may erect traffic-control signals, or may adopt such
6 other means of handling the traffic as may be deemed practical and
7 proper.

1 **SEC. 373. Limitations on cities and towns.** It shall be unlawful
2 for any city or town to close or obstruct any street or highway which
3 is used as the extension of a primary road within such city or town,
4 except at times of fires or for the purpose of doing construction or
5 repair work on such street or highway, or for other reasons with the
6 consent of the highway commission, and it shall also be unlawful for
7 any city or town to erect or cause to be erected or maintained any
8 traffic sign or signal inconsistent with the provisions of this chapter.

1 **SEC. 374. Exceptions.** The provisions of sections three hundred
2 seventy-two (372) and three hundred seventy-three (373) as concerns
3 the erection and maintenance of stop and go signals shall not apply to
4 cities with a population of four thousand or over where said signals
5 are situated within business districts of said city.

1 **SEC. 375. Primary roads as through highways.** Primary roads,
2 and extensions of primary roads within cities and towns are hereby
3 designated as through highways.

1 **SEC. 376. County trunk roads as through highways.** County trunk
2 roads outside of cities and towns are hereby designated as through
3 highways.

1 **SEC. 377. Additional signs—cost.** The county board of super-
2 visors shall, at places deemed by them unusually dangerous on the
3 local county roads, furnish and erect suitable warning signs. The
4 cost of such signs shall be paid out of the county road maintenance or
5 construction fund.

1 **SEC. 378. Emerging from alley or private driveway.** The driver
2 of a vehicle within a business or residence district emerging from an
3 alley, driveway, or building shall stop such vehicle immediately prior
4 to driving onto a sidewalk or into the sidewalk area extending across
5 any alleyway or private driveway.

STOPPING, STANDING, AND PARKING

1 **SEC. 379. Stopping, standing, or parking.** Upon any highway out-
2 side of a business or residence district no person shall stop, park, or
3 leave standing any vehicle, whether attended or unattended, upon
4 the paved or improved or main traveled part of the highway when
5 it is practical to stop, park, or so leave such vehicle off such part of
6 said highway, but in every event a clear and unobstructed width of
7 at least twenty feet of such part of the highway opposite such stand-
8 ing vehicle shall be left for the free passage of other vehicles and a

9 clear view of such stopped vehicle be available from a distance of
10 two hundred feet in each direction upon such highway.

1 **SEC. 380. Disabled vehicle.** Section three hundred seventy-nine
2 (379) shall not apply to the driver of any vehicle which is disabled
3 while on the paved or improved or main traveled portion of a high-
4 way in such manner and to such extent that it is impossible to avoid
5 stopping and temporarily leaving such disabled vehicle in such posi-
6 tion.

1 **SEC. 381. Officers authorized to remove.** Whenever any peace
2 officer finds a vehicle standing upon a highway in violation of any
3 of the foregoing provisions of sections three hundred seventy-nine
4 (379) and three hundred eighty (380) such officer is hereby au-
5 thorized to move such vehicle, or require the driver or other person
6 in charge of the vehicle to move the same, to a position off the paved
7 or improved or main traveled part of such highway.

1 **SEC. 382. Removed from bridge.** Whenever any peace officer finds
2 a vehicle unattended upon any bridge or causeway or in any tunnel
3 where such vehicle constitutes an obstruction to traffic, such officer
4 is hereby authorized to provide for the removal of such vehicle to the
5 nearest garage or other place of safety.

1 **SEC. 383. Stopping, standing, or parking.** No person shall stop,
2 stand, or park a vehicle, except when necessary to avoid conflict with
3 other traffic or in compliance with the directions of a police officer
4 or traffic-control device, in any of the following places:
5 1. On a sidewalk;
6 2. In front of a public or private driveway;
7 3. Within an intersection;
8 4. Within five feet of a fire hydrant;
9 5. On a crosswalk;
10 6. Within ten feet upon the approach to any flashing beacon,
11 stop sign, or traffic-control signal located at the side of a roadway;
12 7. Between a safety zone and the adjacent curb or within ten feet
13 of points on the curb immediately opposite the ends of a safety zone,
14 unless any city or town indicates a different length by signs or mark-
15 ings;
16 8. Within fifty feet of the nearest rail of a railroad crossing, except
17 when parked parallel with such rail and not exhibiting a red light;
18 9. Within twenty feet of the driveway entrance to any fire station
19 and on the side of a street opposite the entrance to any fire station
20 within seventy-five feet of said entrance when properly sign-posted;
21 10. Alongside or opposite any street excavation or obstruction
22 when such stopping, standing, or parking would obstruct traffic;
23 11. On the roadway side of any vehicle stopped or parked at the
24 edge or curb of a street;
25 12. Upon any bridge or other elevated structure upon a highway
26 outside of cities or towns or within a highway tunnel;
27 13. At any place where official signs prohibit stopping, or parking.

1 **SEC. 384. Moving other vehicle.** No person shall move a vehicle
2 not owned by such person into any such prohibited area or away from
3 a curb such distance as is unlawful.

1 **SEC. 385. Theatres, hotels and auditoriums.** A space of twenty-
 2 five feet is hereby reserved at the side of the street in front of any
 3 theater, auditorium, hotel having more than twenty-five sleeping
 4 rooms, or other buildings where large assemblages of people are being
 5 held, within which space, when clearly marked as such, no motor ve-
 6 hicle shall be left standing, parked, or stopped except in taking on
 7 or discharging passengers or freight, and then only for such length of
 8 time as is necessary for such purpose.

1 **SEC. 386. Parking at right-hand curb.** Except where angle or
 2 center parking is permitted by local ordinance every vehicle stopped
 3 or parked upon a roadway where there is an adjacent curb shall be
 4 so stopped or parked with the right-hand wheels of such vehicle
 5 parallel with and within eighteen inches of the right-hand curb.

MISCELLANEOUS RULES

1 **SEC. 387. Unattended motor vehicle.** No person driving or in
 2 charge of a motor vehicle shall permit it to stand unattended without
 3 first stopping the engine, or when standing upon any perceptible
 4 grade without effectively setting the brake thereon and turning the
 5 front wheels to the curb or side of the highway.

1 **SEC. 388. Obstruction to driver's view.** No person shall drive a
 2 vehicle when it is so loaded, or when there are in the front seat such
 3 number of persons, exceeding three, as to obstruct the view of the
 4 driver to the front or sides of the vehicle or as to interfere with
 5 the driver's control over the driving mechanism of the vehicle.

6 No passenger in a vehicle shall ride in such position as to interfere
 7 with the driver's view ahead or to the sides, or to interfere with his
 8 control over the driving mechanism of the vehicle.

1 **SEC. 389. Control of vehicle—signals.** The driver of a motor ve-
 2 hicle traveling through defiles or on approaching the crest of a hill
 3 or grade shall have such motor vehicle under control and on the right-
 4 hand side of the roadway and, upon approaching any curve where the
 5 view is obstructed within a distance of two hundred feet along the
 6 highway, shall give audible warning with the horn of such motor
 7 vehicle.

1 **SEC. 390. Coasting prohibited.** The driver of any motor vehicle
 2 when traveling upon a down grade shall not coast with the gears of
 3 such vehicle in neutral.

1 **SEC. 391. Disengaging clutch.** The driver of a commercial motor
 2 vehicle when traveling upon a down grade shall not coast with the
 3 clutch disengaged.

1 **SEC. 392. Following fire apparatus.** The driver of any vehicle
 2 other than one on official business shall not follow any fire apparatus
 3 traveling in response to a fire alarm closer than five hundred feet or
 4 drive into or park such vehicle within the block where fire apparatus
 5 has stopped in answer to a fire alarm.

1 **SEC. 393. Crossing fire hose.** No vehicle shall be driven over any
 2 unprotected hose of a fire department when laid down on any street,
 3 private driveway, or street car track, to be used at any fire or alarm
 4 of fire, without the consent of the fire department official in command.

1 **SEC. 394. Putting glass, etc., on highway.** No person shall throw
2 or deposit upon any highway any glass bottle, glass, nails, tacks, wire,
3 cans, or any other substance likely to injure any person, animal, or
4 vehicle upon such highway.

1 **SEC. 395. Removing injurious material.** Any person who drops,
2 or permits to be dropped or thrown, upon any highway any destruc-
3 tive or injurious material shall immediately remove the same or cause
4 it to be removed.

1 **SEC. 396. Clearing up wrecks.** Any person removing a wrecked
2 or damaged vehicle from a highway shall remove any glass or other
3 injurious substance dropped upon the highway from such vehicle.

SCHOOL BUSES

1 **SEC. 397. Overtaking and passing school bus.** The driver of a
2 vehicle upon a highway outside of a business or residence district
3 upon meeting or overtaking any school bus which has stopped on the
4 highway shall come to a complete stop and then may proceed with due
5 caution for the safety of any children and in no event in excess of
6 ten miles per hour in passing such school bus.

1 **SEC. 398. Signs.** Every school bus shall bear thereon, both front
2 and rear, a sign with the words "School Bus" in black letters at least
3 six inches high on a lemon yellow background and placed at a level
4 of approximately five feet from the ground. Such signs shall be re-
5 moved or covered when the vehicle is not in use as a school bus. The
6 provisions of section three hundred ninety-seven (397) shall apply
7 only in the event such signs are displayed.

1 **SEC. 399. Required construction.** Every school bus, except private
2 passenger vehicles used as school busses, shall after September 1,
3 1939, be constructed and equipped as follows:

4 1. It shall be painted a lemon yellow color for the body, with the
5 fenders in black.

6 2. There shall be but one compartment.

7 3. A door or doors at least thirty inches wide and forty-eight inches
8 high, the lower panels of which shall be composed of safety glass,
9 shall be placed at the front, right-hand side opposite the driver.

10 4. The front door or doors shall be under the control of and op-
11 erated by the driver.

12 5. There shall be an emergency door in the rear, at least twenty
13 inches wide and forty-eight inches high, provided with an easily
14 operated safety-catch not controlled from the driver's seat but pro-
15 tected from accidental release.

16 6. There shall be ample windows on both sides and ends.

17 7. There shall be ample roof ventilators.

18 8. It shall be heated either with hot water radiator heaters or hot
19 air heaters. The hot air heaters to be iron pipes with all screw con-
20 nections and guarded by one-half inch meshing wire, three-fourths
21 inches from the heating element which is located in bus body.

22 9. There shall be a comfortable seat for each pupil.

23 10. The fuel tank shall be located, filled, drained, and vented out-
24 side of the bus body.

25 11. Bumpers both front and rear shall be fastened directly to
26 the chassis.

1 SEC. 400. **Front entrance used.** All pupils shall be received and
2 discharged from the front, right-hand entrance of every school bus,
3 and if necessary for said pupils to cross the highway, they shall be
4 required by the driver to pass in front of the bus and stop and look
5 in both directions before so crossing and the driver shall not start
6 the vehicle until he has seen that such pupils have safely crossed the
7 highway.

1 SEC. 401. **Drivers.** No person under sixteen years of age or who
2 is physically or mentally incompetent shall be employed to drive a
3 school bus, nor shall any person be so employed whose personal habits
4 or moral conduct would be detrimental to the best interests, safety,
5 and welfare of the children transported. Use of alcoholic beverages
6 or immoral conduct on the part of a driver shall automatically cancel
7 his contract and his re-employment for the remainder of the school
8 year is hereby prohibited. Any school board may contract with the
9 driver of any school bus for a period of three years.

1 SEC. 402. **License and written permission.** The driver of every
2 motor vehicle in use as a school bus shall have a regular chauffeur's
3 license issued by the department of motor vehicles and, in addition
4 thereto, each such driver shall secure permission in writing signed
5 by the president and secretary of the board of the school district for
6 which he serves, and made a part of the minutes of said board; ex-
7 cept that in the case of a driver under the age of eighteen only a
8 limited chauffeur's license may be issued, which limited license shall
9 be valid for the purpose only of operating a motor vehicle to trans-
10 port pupils to and from school. Such limited license shall be valid
11 for the school year beginning July 1 and ending June 30, and shall
12 be issued under the same requirements, except as to age, as apply
13 to the issuance of regular chauffeur's licenses to those eighteen years
14 of age or over.

1 SEC. 403. **Speed.** No motor vehicle in use as a school bus shall be
2 operated at a speed in excess of thirty-five miles per hour. Any
3 violation of this section, by a driver, shall be deemed sufficient cause
4 for cancelling his contract.

1 SEC. 404. **Applicability.** The provisions of sections three hundred
2 ninety-eight (398) to four hundred six (406), inclusive, shall apply
3 to any and all types of school districts where children are transported
4 to and from public schools.

1 SEC. 405. **Violations.** No school board, individual, or organization
2 shall purchase, construct, or contract for use, to transport pupils
3 to or from school, any school bus which does not comply with the
4 minimum requirements of sections three hundred ninety-eight (398)
5 and three hundred ninety-nine (399) and any individual, or any
6 member or officers of such board or organization who authorizes,* the
7 purchase, construction, or contract for any such bus not complying
8 with these minimum requirements shall be guilty of a misdemeanor
9 punishable as provided in section five hundred (500).

*Note: Punctuation according to enrolled bill.

1 **SEC. 406. Enforcement.** It shall be the duty of all peace officers and
2 of the highway safety patrol to enforce the provisions of sections
3 three hundred ninety-eight (398) to four hundred five (405), in-
4 clusive.

EQUIPMENT

1 **SEC. 407. Scope and effect of regulations.** It is a misdemeanor,
2 punishable as provided in section five hundred (500), for any person
3 to drive or move or for the owner to cause or knowingly permit to be
4 driven or moved on any highway any vehicle or combination of ve-
5 hicles which is in such unsafe condition as to endanger any person,
6 or which does not contain those parts or is not at all times equipped
7 with such lamps and other equipment in proper condition and ad-
8 justment as required in this chapter, or which is equipped in any
9 manner in violation of this chapter.

10 No motor vehicle or combination of vehicles, which cannot proceed
11 up a three per cent grade, on dry concrete pavement, at a minimum
12 speed of twenty miles per hour, shall be operated, after January 1,
13 1938, upon the highways of this state.

1 **SEC. 408. Exceptions.** The provisions of this chapter with respect
2 to equipment on vehicles shall not apply to implements of husbandry,
3 road machinery, road rollers, or farm tractors except as herein made
4 applicable.

1 **SEC. 409. When lighted lamps required.**

2 1. Every vehicle upon a highway within this state at any time
3 from a half hour after sunset to a half hour before sunrise and at any
4 other time when there is not sufficient light to render clearly dis-
5 cernible persons and vehicles on the highway at a distance of five
6 hundred feet ahead shall display lighted lamps and illuminating de-
7 vices as hereinafter respectively required for different classes of
8 vehicles, subject to exceptions with respect to parked vehicles as
9 hereinafter stated.

10 2. Whenever requirement is hereinafter declared as to the distance
11 from which certain lamps and devices shall render objects visible or
12 within which such lamps or devices shall be visible, said provisions
13 shall apply during the times stated in subdivision one of this section
14 upon a straight level unlighted highway under normal atmospheric
15 conditions unless a different time or condition is expressly stated.

1 **SEC. 410. Head lamps on motor vehicles.** Every motor vehicle
2 other than a motorcycle shall be equipped with at least two head lamps
3 with at least one on each side of the front of the motor vehicle, which
4 head lamps shall comply with the requirements and limitations set
5 forth in this chapter.

1 **SEC. 411. Head lamps on motorcycles.** Every motorcycle shall be
2 equipped with at least one and not more than two head lamps which
3 shall comply with the requirements and limitations of this chapter.

1 **SEC. 412. Rear lamps and reflectors.** Every motor vehicle and
2 every vehicle which is being drawn at the end of a train of vehicles
3 shall be equipped with a lighted rear lamp, exhibiting a red light
4 plainly visible from a distance of five hundred feet to the rear.

1 **SEC. 413. Illuminating plates.** Either such rear lamp or a separate
 2 lamp shall be so constructed and placed as to illuminate with a white
 3 light the rear registration plate and render it clearly legible from a
 4 distance of fifty feet to the rear. When the rear license plate is
 5 illuminated by an electric lamp other than the required rear lamp,
 6 said two lamps shall be turned on or off only by the same control
 7 switch at all times whenever head lamps are lighted.

1 **SEC. 414. Reflectors additional.** Every new motor vehicle, trailer,
 2 or semitrailer hereafter sold and every commercial vehicle here-
 3 after operated on a highway shall also carry at the rear, either as
 4 a part of the rear lamp or separately, a red reflector meeting the re-
 5 quirements of this chapter.

1 **SEC. 415. Reflector requirements.** Whenever a red reflector is
 2 required or permitted to be used in substitution of lamps upon a
 3 vehicle under any one of the provisions of this chapter, such re-
 4 flector shall be mounted upon the vehicle at a height not to exceed
 5 forty-two inches nor less than twenty-four inches above the ground
 6 upon which the vehicle stands, and every such reflector shall be so
 7 designed and maintained as to be visible at night from all distances
 8 within five hundred feet to fifty feet from such vehicle when di-
 9 rectly in front of a motor vehicle displaying lawfully lighted head
 10 lamps as provided in section four hundred thirty-five (435).

1 **SEC. 416. Approval of reflectors.** No reflector as required by this
 2 chapter shall be used except of a type approved by the department
 3 and the department is hereby authorized to approve or disapprove
 4 types of reflectors submitted and to publish a list of such approved
 5 types by trade name or otherwise.

CLEARANCE AND IDENTIFICATION LIGHTS

1 **SEC. 417.** Every motor truck, and every trailer or semitrailer of
 2 over 3000 pounds gross weight, shall be equipped with the following
 3 lighting devices and reflectors in addition to other requirements of
 4 this chapter, and such devices shall be lighted at the times mentioned
 5 in section four hundred nine (409).

- 6 1. Every motor truck, whatever its size shall have the following:
 - 7 *On each side*, one reflector, at or near the rear; and
 - 8 *On the rear*, two reflectors, one at each side.
- 9 2. Every motor truck, eighty inches or more in width shall have
 10 the following in addition to the requirements of paragraph one;
 - 11 If thirty feet or less in overall length—
 - 12 *On the front*, two clearance lamps, one at each side; and
 - 13 *On the rear*, two clearance lamps, one at each side;
 - 14 If more than thirty feet in overall length—
 - 15 *On the front*, two clearance lamps, one at each side;
 - 16 *On each side*, two side-marker lamps, one at or near the front, and
 17 one at or near the rear, and an additional reflector at or near the
 18 front; and
 - 19 *On the rear*, two clearance lamps, one at each side.
- 20 3. Every truck tractor or road tractor shall have the following:
 - 21 *On the front*, two clearance lamps one at each side if the tractor

22 cab is as wide as, or wider than, the widest part of the vehicle or
23 vehicles towed;

24 *On each side*, one side-marker lamp at or near the front; and

25 *On the rear*, one tail lamp.

26 4. Every trailer or semitrailer having a gross weight in excess of
27 3000 pounds shall have the following;

28 *On the front*, two clearance lamps, one at each side, if the trailer
29 is wider in its widest part than the cab of the vehicle towing it;

30 *On each side*, one side-marker lamp at or near the rear; two re-
31 flectors, one at or near the front and one at or near the rear; and

32 *On the rear*, two clearance lamps, one at each side; one stop light;
33 one tail lamp; and two reflectors, one at each side.

34 5. Every motor truck or combination of motor truck and trailer
35 having a length in excess of thirty feet or a width in excess of eighty
36 inches shall be equipped with three identification lights on both front
37 and rear. Each such group shall be evenly spaced not less than six
38 nor more than twelve inches apart along a horizontal line near the
39 top of the vehicle.

1 SEC. 418. **Color and mounting.** No lighting device or reflector,
2 when mounted on or near the front of any motor truck or trailer,
3 shall display any other color than white, yellow, or amber; provided
4 that installations heretofore in place and otherwise complying with
5 the law may display a green light until replacements are made.

6 No lighting device or reflector, when mounted on or near the rear
7 of any motor truck or trailer, shall display any other color than red,
8 except that the stop light may be red, yellow, or amber.

9 Clearance lamps shall be mounted on the permanent structure of
10 the vehicle in such manner as to indicate the extreme width of the
11 vehicle or its load.

1 SEC. 419. **Lamp or flag on projecting load.** Whenever the load
2 upon any vehicle extends to the rear four feet or more beyond the
3 bed or body of such vehicle there shall be displayed at the extreme
4 rear end of the load, at the times specified in section four hundred
5 nine (409), a red light or lantern plainly visible from a distance of
6 at least five hundred feet to the sides and rear. The red light or
7 lantern required under this section shall be in addition to the red
8 rear light required upon every vehicle. At any other time there
9 shall be displayed at the extreme rear end of such load a red flag or
10 cloth not less than sixteen inches square.

1 SEC. 420. **Lamps on parked vehicles.** Whenever a vehicle is parked
2 or stopped upon a roadway or shoulder adjacent thereto, outside of a
3 business district whether attended or unattended during the times
4 mentioned in section four hundred nine (409), such vehicle shall be
5 equipped with one or more lamps which shall exhibit a white light
6 on the roadway side visible from a distance of five hundred feet to
7 the front of such vehicle and a red light visible from a distance of
8 five hundred feet to the rear, except that local authorities may pro-
9 vide by ordinance or resolution that no lights need be displayed upon
10 any such vehicle when stopped or parked in accordance with local
11 parking regulations upon a highway where there is sufficient light
12 to reveal any person or object within a distance of five hundred feet

13 upon such highway. Any lighted headlamps upon a parked vehicle
14 shall be depressed or dimmed.

1 SEC. 421. **Exception.** Section four hundred twenty (420) shall
2 not apply when an accident extinguishes said light and renders a
3 vehicle incapable of use, and when the person in control of the ve-
4 hicle erects, at the earliest opportunity after the accident, such proper
5 light at or near the vehicle as will give warning of the presence of
6 said vehicle.

1 SEC. 422. **Lamps on bicycles.** Every bicycle shall be equipped with
2 a lamp on the front exhibiting a white light, at the times specified
3 in section four hundred nine (409) visible from a distance of at
4 least three hundred feet to the front and with a lamp on the rear
5 exhibiting a red light visible from a distance of three hundred feet
6 to the rear; except that a red reflector meeting the requirements of
7 this chapter may be used in lieu of a rear light.

1 SEC. 423. **Lamps on other vehicles and equipment.** All vehicles,
2 including animal-drawn vehicles and including those referred to in
3 section four hundred eight (408) not hereinbefore specifically re-
4 quired to be equipped with lamps, shall at the times specified in sec-
5 tion four hundred nine (409) be equipped with at least one lighted
6 lamp or lantern exhibiting a white light visible from a distance of five
7 hundred feet to the front of such vehicle and with a lamp or lantern
8 exhibiting a red light visible from a distance of five hundred feet to
9 the rear.

1 SEC. 424. **Road machinery—lights required.** No tractor, road
2 grader, road drag, or other piece of road machinery operated by
3 motor fuel, kerosene, or coal shall be used upon any public highway
4 in this state which is open to traffic by the public, unless there is
5 carried at least two red danger signal lanterns or lights, each capable
6 of remaining continuously lighted for at least sixteen hours.

1 SEC. 425. **Number of lights—duty to maintain.** It shall be the
2 duty of each person charged with the operation of any tractor, road
3 grader, road drag, or other piece of road machinery which is re-
4 quired by section four hundred twenty-four (424) to carry red dan-
5 ger signal lights, to place and maintain in a lighted condition at
6 least one signal light upon the front and one upon the rear of any
7 such tractor, grader, drag, or other piece of road machinery from
8 the time the sun sets until the time the sun rises the following day,
9 whenever the same is being operated or stationed upon any public
10 highway open to traffic by the public.

1 SEC. 426. **Duty to enforce.** It shall be the duty of the highway
2 commission, the board of supervisors of each county, and each road
3 patrolman to enforce the provisions of sections four hundred twenty-
4 four (424) and four hundred twenty-five (425) as to any such trac-
5 tor, grader, drag or other piece of road machinery under their di-
6 rection and control, respectively.

1 SEC. 427. **Spot lamps.** Any motor vehicle, except a private pas-
2 senger vehicle, may be equipped with not to exceed one spot lamp
3 and every lighted spot lamp shall be so aimed and used upon ap-

4 proaching another vehicle that no part of the high-intensity portion
5 of the beam will be directed to the left of the prolongation of the ex-
6 treme left side of the vehicle nor more than one hundred feet ahead
7 of the vehicle.

1 **SEC. 428. Auxiliary driving lamps.** Any motor vehicle may be
2 equipped with not to exceed three auxiliary driving lamps mounted
3 on the front at a height not less than twelve inches nor more than
4 forty-two inches above the level surface upon which the vehicle
5 stands, and every such auxiliary driving lamp or lamps shall meet the
6 requirements and limitations set forth in this chapter.

1 **SEC. 429. Signal lamps and signal devices.** Any motor vehicle
2 may be equipped, and when a signal lamp or device is required under
3 this chapter shall be equipped, with a signal lamp or signal device
4 which is so constructed and located on the vehicle as to give a signal
5 of intention to stop which shall be red or yellow in color and signals
6 of intention to turn to the right or left, all of which signals shall be
7 plainly visible and understandable in normal sunlight and at night
8 from a distance of one hundred feet to the front and rear but shall
9 not project a glaring or dazzling light; except that a stop signal need
10 be visible only from the rear.

1 **SEC. 430. Self-illumination.** All mechanical signal devices shall
2 be self-illuminated when in use at the times mentioned in section
3 four hundred nine (409).

1 **SEC. 431. Cowl lamps.** Any motor vehicle may be equipped with
2 not more than two side cowl or fender lamps which shall emit an
3 amber or white light without glare.

1 **SEC. 432. Courtesy lamps.** Any motor vehicle may be equipped
2 with not more than one running board courtesy lamp on each side
3 thereof which shall emit a white or amber light without glare.

1 **SEC. 433. Back-up lamps.** Any motor vehicle may be equipped
2 with a back-up lamp either separately or in combination with an-
3 other lamp; except that no such back-up lamp shall be continuously
4 lighted when the motor vehicle is in forward motion.

1 **SEC. 434. Multiple-beam road lighting equipment.** Except as
2 hereinafter provided, the headlamps, or the auxiliary driving lamps,
3 or combinations thereof, on motor vehicles shall be so arranged that
4 the driver may select at will between distributions of light projected
5 to different elevations, subject to the requirements and limitations
6 of sections four hundred thirty-five (435) to four hundred thirty-
7 nine (439), inclusive.

1 **SEC. 435. High lights.** There shall be an uppermost distribution
2 of light, or composite beam, so aimed and of such intensity as to
3 reveal persons and vehicles at a distance of at least three hundred
4 fifty (350) feet ahead for all conditions of loading. The maximum
5 intensity of this uppermost distribution of light or composite beam
6 one degree of arc or more above the horizontal level of the lamps
7 when the vehicle is not loaded shall not exceed eight thousand ap-
8 parent candlepower, and at no other point of the distribution of light

9 or composite beam shall there be an intensity of more than seventy-
10 five thousand apparent candlepower.

1 **SEC. 436. Low lights.** There shall be a lowermost distribution of
2 light, or composite beam, so aimed that:

3 1. When the vehicle is not loaded, none of the high-intensity por-
4 tion of the light which is directed to the left of the prolongation of
5 the extreme left side of the vehicle shall, at a distance of twenty-five
6 feet ahead, project higher than a level of ten inches below the level
7 of the center of the lamp from which it comes. This requirement
8 shall be deemed to avoid glare at all times regardless of road condi-
9 tions and loading.

10 2. When the vehicle is not loaded, none of the high-intensity por-
11 tion of the light which is directed to the right of the prolongation
12 of the extreme left side of the vehicle shall, at a distance of twenty-
13 five feet ahead, project higher than a level of five inches below the
14 level of the center of the lamp from which it comes.

15 3. In no event shall any of the high-intensity of such lowermost
16 distribution of light or composite beam project higher than a level
17 of forty-two inches above the level on which the vehicle stands at a
18 distance of seventy-five or more feet ahead.

1 **SEC. 437. Intermediate lights.** Where one intermediate beam is
2 provided, the beam on the left side of the road shall be in conformity
3 with paragraph one of section four hundred thirty-six (436) except
4 when arranged in accordance with the practice specified in section
5 four hundred thirty-nine (439).

1 **SEC. 438. Mandatory requirement.** All road lighting beams shall
2 be so aimed and of sufficient intensity to reveal a person or vehicle
3 at a distance of at least one hundred feet ahead.

1 **SEC. 439. Indicator lights.** All road lighting equipment manufac-
2 tured and installed on and after January first, 1938, shall be so ar-
3 ranged that whenever any beam is used which is not in conformity
4 with paragraph one of section four hundred thirty-six (436), two
5 white or yellow lights, one on each side of the vehicle, visible to an
6 oncoming driver and to the driver of said vehicle shall be lighted,
7 except that other suitable alternate means may be provided for in-
8 dicating to the driver behind the light when such beams are on. In-
9 dicator lights shall not be connected otherwise than as required in
10 this section. Beam indicator lights and front parking lights shall
11 be so connected that neither of said lights shall be lighted when a
12 beam is in use which conforms with paragraph one of section four
13 hundred thirty-six (436).

1 **SEC. 440. Use of multiple-beam road lighting equipment.** When-
2 ever a motor vehicle is being operated on a roadway or shoulder
3 adjacent thereto, during the times specified in section four hundred
4 nine (409), the driver shall use a distribution of light, or composite
5 beam, directed high enough and of sufficient intensity to reveal per-
6 sons or vehicles at a safe distance in advance of the vehicle, subject
7 to requirements and limitations of section four hundred forty-one
8 (441).

1 **SEC. 441. Duty to lower lights.** Whenever the driver of a vehicle
2 approaches an oncoming vehicle within five hundred feet, such driver
3 shall use a distribution of light or composite beam so aimed that the
4 glaring rays are not projected into the eyes of the oncoming driver,
5 and in no case shall the high intensity portion which is projected
6 to the left of the prolongation of the extreme left side of the vehicle
7 be aimed higher than the center of the lamp from which it comes
8 at a distance of twenty-five feet, ahead, and in no case higher than a
9 level of forty-two inches above the level upon which the vehicle stands
10 at a distance of seventy-five feet ahead.

1 **SEC. 442. Single-beam road lighting equipment.** Headlamps ar-
2 ranged to provide a single distribution of light not supplemented by
3 auxiliary driving lamps shall be permitted on motor vehicles manu-
4 factured and sold prior to July 1, 1938 in lieu of multiple-beam road
5 lighting equipment herein specified if the single distribution of light
6 complies with the following requirements and limitations.

7 The headlamps shall be so aimed that when the vehicle is not
8 loaded none of the high intensity portion of the light shall at a dis-
9 tance of twenty-five feet ahead project higher than a level of five
10 inches below the level of the center of the lamp from which it comes,
11 and in no case higher than forty-two inches above the level on which
12 the vehicle stands at a distance of seventy-five feet ahead.

13 The intensity shall be sufficient to reveal persons and vehicles at
14 a distance of at least two hundred feet.

1 **SEC. 443. Alternate road lighting equipment.** Any motor vehicle
2 may be operated under the conditions specified in section four hun-
3 dred nine (409) when equipped with two lighted lamps upon the front
4 thereof capable of revealing persons and objects seventy-five feet
5 ahead in lieu of lamps required in sections four hundred thirty-four
6 (434) to four hundred thirty-nine (439) inclusive, or section four
7 hundred forty-two (442) provided, however, that at no time shall
8 it be operated at a speed in excess of twenty miles per hour.

1 **SEC. 444. Number of driving lamps required or permitted.** At
2 all times specified in section four hundred nine (409) at least two
3 lighted lamps shall be displayed, one on each side at the front of
4 every motor vehicle except when such vehicle is parked subject to the
5 regulations governing lights on parked vehicles.

1 **SEC. 445. Number of lamps lighted.** Whenever a motor vehicle
2 equipped with head lamps as herein required is also equipped with
3 any auxiliary lamps or a spot lamp or any other lamp on the front
4 thereof projecting a beam of an intensity greater than three hundred
5 candlepower, not more than a total of four of any such lamps on the
6 front of a vehicle shall be lighted at any one time when upon a high-
7 way.

1 **SEC. 446. Special restrictions on lamps.** Any lighted lamp or illum-
2 inating device upon a motor vehicle other than head lamps, spot
3 lamps, or auxiliary driving lamps which projects a beam of light of
4 an intensity greater than three hundred candlepower shall be so di-
5 rected that no part of the beam will strike the level of the roadway
6 on which the vehicle stands at a distance of more than seventy-five
7 feet from the vehicle.

1 **SEC. 447. Red light in front.** No person shall drive or move any
 2 vehicle or equipment upon any highway with any lamp or device
 3 thereon displaying a red light visible from directly in front thereof.
 4 This section shall not apply to authorized emergency vehicles. No
 5 person shall display any color of light other than red on the rear
 6 of any vehicle, except that stop lights may be red, yellow, or amber.

1 **SEC. 448. Flashing lights.** Flashing lights are prohibited on motor
 2 vehicles, except as a means for indicating a right or left turn, or
 3 intention of stopping.

1 **SEC. 449. Selling or using lamps or devices.** No person shall have
 2 for sale, sell or offer for sale for use upon or as a part of the equip-
 3 ment of a motor vehicle, trailer or semitrailer or use upon such ve-
 4 hicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp
 5 or reflector which reflector is required hereunder, or parts of any of
 6 the foregoing, which tend to change the original design or perform-
 7 ance, unless of a type which has been submitted to the commissioner
 8 and approved by him.

1 **SEC. 450. Trade-mark intact.** No person shall have for sale, sell
 2 or offer for sale for use upon or as a part of the equipment of a
 3 motor vehicle, trailer or semitrailer any lamp or device mentioned in
 4 section four hundred forty-nine (449) which has been approved by
 5 the commissioner unless such lamp or device bears thereon the trade-
 6 mark or name under which it is approved so as to be legible when
 7 installed.

1 **SEC. 451. Bulbs focused.** No person shall use upon any motor
 2 vehicle, trailer or semitrailer any lamps mentioned in section four
 3 hundred forty-nine (449) unless said lamps are equipped with bulbs
 4 of a rated candlepower and are mounted and adjusted as to focus
 5 and aim in accordance with instructions of the commissioner.

1 **SEC. 452. Authority of commissioner.**

2 1. The commissioner is hereby authorized to approve or disap-
 3 proved lighting devices.

4 2. The commissioner is hereby required to approve or disapprove
 5 any lighting device, of a type on which approval is specifically re-
 6 quired in this chapter, within a reasonable time after such device
 7 has been submitted.

8 3. The commissioner is further authorized to set up the procedure
 9 which shall be followed when any device is submitted for approval.

10 4. The commissioner upon approving any such lamp or device shall
 11 issue to the applicant a certificate of approval together with any
 12 instructions determined by him.

13 5. The commissioner shall publish lists of all such lamps and de-
 14 vices by name and type which comply with the requirements of this
 15 chapter, together with instructions as to the permissible candlepower
 16 rating of the bulbs which he has determined for use therein and such
 17 other instructions as to adjustment as the commissioner may deem
 18 necessary.

1 **SEC. 453. Revocation of certificate.** When the commissioner has
 2 reason to believe that an approved device as being sold commercially
 3 does not comply with the requirements of this chapter, he may, after

4 giving thirty days' previous notice to the person holding the certifi-
5 cate of approval for such device in this state, conduct a hearing upon
6 the question of compliance of said approved device. After said
7 hearing the commissioner shall determine whether said approved
8 device meets the requirements of this chapter. If said device does
9 not meet the requirements of this chapter he shall give notice to the
10 person holding the certificate of approval for such device in this state.
11 If at the expiration of ninety days after such notice the person
12 holding the certificate of approval for such device has failed to satisfy
13 the commissioner that said approved device as thereafter to be
14 sold meets the requirements of this chapter, the commissioner shall
15 suspend or revoke the approval issued therefor until or unless such
16 device is resubmitted to and retested by an authorized testing agency
17 and is found to meet the requirements of this chapter, and may re-
18 quire that all said devices sold since the notification following the
19 hearing be replaced with devices that do comply with the require-
20 ments of this chapter. The commissioner may at the time of the
21 retest purchase in the open market and submit to the testing agency
22 one or more sets of such approved devices, and if such device upon
23 such retest fails to meet the requirements of this chapter, the com-
24 missioner may refuse to renew the certificate of approval of such
25 device.

1 **SEC. 454. Brake equipment.**

2 1. Every motor vehicle, other than a motorcycle, when operated
3 upon a highway shall be equipped with brakes adequate to control
4 the movement of and to stop and hold such vehicle, including two
5 separate means of applying the brakes, each of which means shall be
6 effective to apply the brakes to at least two wheels. If these two
7 separate means of applying the brakes are connected in any way,
8 they shall be so constructed that failure of any one part of the op-
9 erating mechanism shall not leave the motor vehicle without brakes
10 on at least two wheels.

11 2. Every motorcycle, and bicycle with motor attached, when op-
12 erated upon a highway shall be equipped with at least one brake,
13 which may be operated by hand or foot.

14 3. Every trailer or semitrailer of a gross weight of three thousand
15 pounds or more, and every trailer coach intended for use for human
16 habitation, shall be equipped with brakes adequate to control the
17 movement of and to stop and hold such vehicle, and so designed as to
18 be applied by the driver of the towing motor vehicle from its cab,
19 and said brakes shall, after January 1, 1939, be so designed and con-
20 nected that in case of an accidental breakway of the towed vehicle
21 the brakes shall be automatically applied. Every semitrailer of a
22 gross weight of three thousand pounds or more shall be equipped
23 with a separate, auxiliary means of applying the brakes on the semi-
24 trailer from the cab of the towing vehicle.

25 4. Every new motor vehicle, trailer, or semitrailer hereafter sold
26 in this state and operated upon the highways shall be equipped with
27 service brakes upon all wheels of every such vehicle, except any
28 motorcycle, and except that any trailer or semitrailer of less than
29 three thousand pounds gross weight need not be equipped with
30 brakes.

1 **SEC. 455. Performance ability.**

2 1. The service brakes upon any motor vehicle or combination of
3 motor vehicles, when upon dry asphalt or concrete pavement surface
4 free from loose material where the grade does not exceed 1%, when
5 traveling 20 miles an hour shall be adequate:

6 a. To stop such vehicle or vehicles having a gross weight of less
7 than 5,000 pounds within a distance of 30 feet.

8 b. To stop such vehicle or vehicles having a gross weight in excess
9 of 5,000 pounds within a distance of 45 feet.

10 2. Under the above conditions the hand brake shall be adequate
11 to hold such vehicles or vehicles stationary on any grade upon which
12 operated.

13 3. Under the above conditions the service brakes upon a motor
14 vehicle equipped with two-wheel brakes only, and when permitted
15 hereunder, shall be adequate to stop the vehicle within a distance of
16 forty-five feet and the hand brake adequate to stop the vehicle within
17 a distance of fifty-five feet.

18 4. All braking distances specified in this section shall apply to
19 all vehicles mentioned, whether such vehicles are not loaded or are
20 loaded to the maximum capacity permitted under this chapter.

21 5. All brakes shall be maintained in good working order and shall
22 be so adjusted as to operate as equally as practicable with respect to
23 the wheels on opposite sides of the vehicle.

1 **SEC. 456. Horns and warning devices.** Every motor vehicle when
2 operated upon a highway shall be equipped with a horn in good work-
3 ing order and capable of emitting sound audible under normal condi-
4 tions from a distance of not less than two hundred feet, but no horn
5 or other warning device shall emit an unreasonably loud or harsh
6 sound or a whistle. The driver of a motor vehicle shall when rea-
7 sonably necessary to insure safe operation give audible warning with
8 his horn but shall not otherwise use such horn when upon a highway.

1 **SEC. 457. Sirens and bells prohibited.** No vehicle shall be equip-
2 ped with nor shall any person use upon a vehicle any siren, whistle,
3 or bell, except as otherwise permitted in this section. It is permis-
4 sible but not required that any commercial vehicle be equipped with
5 a theft alarm signal device which is so arranged that it cannot be
6 used by the driver as an ordinary warning signal. Any authorized
7 emergency vehicle may be equipped with a siren, whistle, or bell,
8 capable of emitting sound audible under normal conditions from a
9 distance of not less than five hundred feet and of a type approved
10 by the department, but such siren shall not be used except when
11 such vehicle is operated in response to an emergency call or in the
12 immediate pursuit of an actual or suspected violator of the law, in
13 which said latter events the driver of such vehicle shall sound said
14 siren when necessary to warn pedestrians and other drivers of the
15 approach thereof.

1 **SEC. 458. Bicycle sirens or whistles.** No bicycle shall be equipped
2 with nor shall any person use upon a bicycle any siren or whistle.

1 **SEC. 459. Loud signaling at night.** Loud signaling devices shall
2 not be used during the period of from one hour after sunset to one
3 hour before sunrise, unless absolutely necessary to avoid accidents.

1 **SEC. 460. Mufflers, prevention of noise.** Every motor vehicle shall
2 at all times be equipped with a muffler in good working order and in
3 constant operation to prevent excessive or unusual noise and an-
4 noying smoke, and no person shall use a muffler cutout, bypass or
5 similar device upon a motor vehicle on a highway.

1 **SEC. 461. Mirrors.** Every motor vehicle shall be equipped with a
2 mirror so located as to reflect to the driver a view of the highway
3 for a distance of at least two hundred feet to the rear of such vehicle.
4 Any motor vehicle so loaded, or towing another vehicle in such man-
5 ner, as to obstruct the view in a rear view mirror located in the
6 driver's compartment shall be equipped with a side mirror so lo-
7 cated that the view to the rear will not be obstructed.

1 **SEC. 462. Windshields unobstructed.** No person shall drive any
2 motor vehicle with any sign, poster or other nontransparent ma-
3 terial upon the front windshield of such vehicle other than a cer-
4 tificate or other paper required to be so displayed by law, which shall
5 be displayed in the upper right-hand corner.

1 **SEC. 463. Windshield wipers.** The windshield on every motor ve-
2 hicle shall be equipped with a device for cleaning rain, snow or other
3 moisture from the windshield, which device shall be so constructed
4 as to be controlled or operated by the driver of the vehicle.

1 **SEC. 464. Restrictions as to tire equipment.** Every solid rubber
2 tire on a vehicle shall have rubber on its entire traction surface at
3 least one inch thick above the edge of the flange of the entire peri-
4 phery. No pneumatic tire shall be used on a motor vehicle when
5 such tire is worn to the extent that more than two layers of fabric
6 or cords are exposed on the entire traction surface.

1 **SEC. 465. Metal tires prohibited.** No person shall operate or move
2 on any highway any motor vehicle, trailer, or semitrailer having any
3 metal tire in contact with the roadway.

1 **SEC. 466. Projections on wheels.** No tire on a vehicle moved on a
2 highway shall have on its periphery any block, stud, flange, cleat, or
3 spike or any other protuberances of any material other than rubber
4 which projects beyond the tread of the traction surface of the tire,
5 except that it shall be permissible to use farm machinery with tires
6 having protuberances which will not injure the highway, and except
7 also that it shall be permissible to use tire chains of reasonable pro-
8 portions upon any vehicle when required for safety because of snow,
9 ice, or other conditions tending to cause a vehicle to skid.

1 **SEC. 467. Exceptions.** The state highway commission and local
2 authorities in their respective jurisdictions may, in their discretion,
3 issue special permits authorizing the operation upon a highway of
4 traction engines or tractors having movable tracks with transverse
5 corrugations upon the periphery of such movable tracks or farm
6 tractors or other farm machinery, the operation of which upon a
7 highway would otherwise be prohibited under this chapter.

1 **SEC. 468. Safety glass.** No person shall sell any new motor vehicle
2 nor shall any motor vehicle, manufactured since July first, 1935, be
3 registered, or operated unless such vehicle is equipped with safety

4 glass wherever glass is used in doors, windows, and windshields.
5 Replacements of glass in doors, windows, or windshields shall be of
6 safety glass.

1 **SEC. 469. Definition.** The term "safety glass" shall mean any
2 product composed of glass, so manufactured, fabricated, or treated
3 as substantially to prevent shattering and flying of the glass when
4 struck or broken or such other or similar product as may be ap-
5 proved by the commissioner.

1 **SEC. 470. List approved.** The commissioner shall compile and
2 publish a list of types of glass by name approved by him as meeting
3 the requirements of section four hundred sixty-nine (469), and the
4 commissioner shall not register any motor vehicle which is subject
5 to the provisions of section four hundred sixty-eight (468) unless
6 it is equipped with an approved type of safety glass, and he shall
7 suspend the registration of any motor vehicle so subject to said sec-
8 tion which he finds is not so equipped until it is made to conform to
9 the requirements of said section.

1 **SEC. 471. Trucks to carry flares.** No person shall operate any
2 motor truck upon a highway outside of a business or residence dis-
3 trict at any time from a half hour after sunset to a half hour before
4 sunrise unless there shall be carried in such vehicle a sufficient num-
5 ber of flares, not less than three, or electric lanterns or other signals
6 capable of continuously producing three warning lights each visible
7 from a distance of at least five hundred feet for a period of at least
8 eight hours, except that a motor vehicle transporting flammables
9 may carry red reflectors in place of the other signals above men-
10 tioned.

11 Every such flare, lantern, signal, or reflector shall be of a type
12 approved by the commissioner and he shall publish lists of those
13 devices which he has approved as adequate for the purposes of this
14 section.

1 **SEC. 472. Display of flares.** Whenever a motor truck is stopped
2 upon or immediately adjacent to the main traveled portion of a high-
3 way outside of a business or residence district, during the times
4 when lighted lamps must be displayed, then the driver or other per-
5 son in charge of such vehicle shall, in addition to the requirements of
6 section four hundred twenty (420), cause a lighted fusee to be im-
7 mediately placed on the roadway at the traffic side of such vehicle;
8 as soon thereafter as possible, and in any case within the burning
9 period of the fusee, three lighted flares shall be placed on the road-
10 way, one at a distance of not less than one hundred feet in advance
11 of such vehicle, one at a distance of not less than one hundred feet to
12 the rear of such vehicle and the third upon the traffic side of such ve-
13 hicle; provided that if such vehicle is stopped within three hundred
14 feet of a curve, crest of a hill, or other obstruction to view, the flare in
15 that direction shall be so placed as to afford ample warning to other
16 users of the highway, but in no case less than one hundred feet from
17 such vehicle. When such flares are taken up, during the times when
18 lighted lamps must be displayed, a lighted fusee shall be placed at
19 the traffic side of such vehicle.

20 In the event such vehicle is used in the transportation of flammable
21 liquids or gases, whether loaded or empty, no open burning flares
22 or fuses shall be used and red electric lanterns shall be used in lieu
23 thereof.

24 During the times lighted lamps are not required, red flags shall
25 be used in place of flares or electric lanterns, provided that if such
26 parking continues into the period when lighted lamps are required,
27 flares or electric lanterns shall be placed as above provided.

1 **SEC. 473. Explosives.** No person shall at any time operate a motor
2 truck transporting explosives as a cargo or part of a cargo upon a
3 highway unless it carries flares or electric lanterns as herein re-
4 quired, but such flares or electric lanterns must be capable of pro-
5 ducing a red light and shall be displayed upon the roadway when and
6 as required in section four hundred seventy-two (472).

1 **SEC. 474. Vehicles transporting explosives.** Any person operating
2 any vehicle transportaing any explosive as a cargo or part of a cargo
3 upon a highway shall at all times comply with the provisions of this
4 section.

5 Said vehicle shall be marked or placarded on each side and the
6 rear with the word "Explosives" in letters not less than eight inches
7 high, or there shall be displayed on the rear of such vehicle a red
8 flag not less than twenty-four inches square marked with the word
9 "Danger" in white letters six inches high.

10 Every said vehicle shall be equipped with or not less than two fire
11 extinguishers, filled and ready for immediate use, and placed at a
12 convenient point on the vehicle so used.

SIZE, WEIGHT, AND LOAD

1 **SEC. 475. Scope and effect.** It is a misdemeanor, punishable as
2 provided in section five hundred (500), for any person to drive or
3 move or for the owner to cause or knowingly permit to be driven or
4 moved on any highway any vehicle or vehicles of a size or weight ex-
5 ceeding the limitations stated in this chapter, and the maximum size
6 and weight of vehicles herein specified shall be lawful throughout
7 this state, and local authorities shall have no power or authority to
8 alter said limitations except as express authority may be granted
9 in this chapter.

1 **SEC. 476. Exceptions.** The provisions of this chapter governing
2 size, weight, and load shall not apply to fire apparatus, road ma-
3 chinery, or to implements of husbandry temporarily moved upon a
4 highway, or to a vehicle operated under the terms of a special permit
5 issued as provided in sections four hundred ninety-one (491) to four
6 hundred ninety-four (494), inclusive.

1 **SEC. 477. Width of vehicles.** The total outside width of any vehicle
2 or the load thereon, except loose hay or straw, shall not exceed eight
3 feet.

1 **SEC. 478. Projecting loads on passenger vehicles.** No passenger-
2 type vehicle shall be operated on any highway with any load carried
3 thereon extending beyond the line of the fenders on the left side of

4 such vehicle nor extending more than six inches beyond the line of
5 the fenders on the right side thereof.

1 **SEC. 479. Height of vehicles.** No vehicle unladen or with load
2 shall exceed a height of twelve feet.

1 **SEC. 480. Maximum length.** No motor vehicle, trailer, semitrailer
2 or vehicle, except fire fighting apparatus, which exceeds thirty-three
3 feet in length over all, nor any combination of such vehicles coupled
4 together, which exceeds forty-five feet in length over all, shall be
5 operated on the highways of this state.

Note: Sec. 481 omitted in enrolled bill.

1 **SEC. 482. Loading beyond front.** The load upon any vehicle oper-
2 ated alone, or the load upon the front vehicle of a combination of ve-
3 hicles, shall not extend more than three feet beyond the front wheels
4 of such vehicle or the front bumper of such vehicle if it is equipped
5 with such a bumper.

1 **SEC. 483. Dual axle requirement.** No motor vehicle, trailer, or
2 semitrailer having axles less than forty inches apart center to center,
3 shall be operated on the highways of this state.

1 **SEC. 484. Spilling loads on highways.** No vehicle shall be driven
2 or moved on any highway unless such vehicle is so constructed or
3 loaded as to prevent any of its load from dropping, sifting, leak-
4 ing or otherwise escaping therefrom, except that sand may be drop-
5 ped for the purpose of securing traction, or water or other substance
6 may be sprinkled on a roadway in cleaning or maintaining such
7 roadway.

1 **SEC. 485. Trailers and towed vehicles.** When one vehicle is towing
2 another the drawbar or other connection shall not exceed fifteen feet
3 from one vehicle to the other except the connection between any two
4 vehicles transporting poles, pipe, machinery or other objects of struc-
5 tural nature which cannot readily be dismembered.

1 **SEC. 486. Drawbars and safety chains.** When one vehicle is tow-
2 ing or pulling another vehicle the drawbar or other connection shall
3 be of sufficient strength to pull all weight towed thereby and shall
4 be fastened to the frame of the towing vehicle in such manner as to
5 prevent sidesway, and in addition to such principal connection there
6 shall be a safety chain which shall be so fastened as to be capable
7 of holding the towed vehicle should the principal connection for any
8 reason fail.

9 The connection between a truck tractor and a semitrailer with a
10 gross weight of three thousand pounds or more shall be of a type
11 approved by the commissioner, and the commissioner is hereby given
12 authority to approve or disapprove such types of connection sub-
13 mitted to him.

1 **SEC. 487. Maximum load.** The total maximum load on any one
2 wheel of any vehicle, including the weight of the vehicle and the load
3 it carries, shall be four tons for vehicles equipped with pneumatic
4 tires or three and one-half tons for vehicles equipped with solid rub-

5 ber tires, provided the total maximum weight of any vehicle or com-
6 bination of vehicles and load shall not in any event exceed twelve
7 tons plus four hundred fifty pounds for each foot, or fraction thereof,
8 of distance between the front and rear axles of the vehicle or first
9 and last axles of a combination of vehicles. Two or more wheels
10 on the same end of a given axle shall be considered as one wheel.

1 **SEC. 488. Investigation as to safety.** The commissioner upon reg-
2 istering any vehicle under the laws of this state which vehicle is
3 designed and used primarily for the transportation of property or
4 for the transportation of ten or more persons, may require such in-
5 formation and may make such investigation or test as necessary to
6 enable him to determine whether such vehicle may safely be operated
7 upon the highways in compliance with all the provisions of this
8 chapter. He shall register every such vehicle for a permissible
9 gross weight not exceeding the limitations set forth in this chapter.
10 Every such vehicle shall meet the following requirements:

11 1. It shall be equipped with brakes as required in sections four
12 hundred fifty-four (454) and four hundred fifty-five (455).

13 2. Every motor vehicle to be operated outside of business and
14 residence districts shall have motive power adequate to propel at a
15 reasonable speed such vehicle and any load thereon or to be drawn
16 thereby.

1 **SEC. 489. Weighing vehicles and removal of excess.** Any peace
2 officer having reason to believe that the weight of a vehicle and load
3 is unlawful is authorized to require the driver to stop and submit to
4 a weighing of the same either by means of portable or stationary
5 scales and may require that such vehicle be driven to the nearest
6 public scales.

7 Whenever an officer upon weighing a vehicle and load, as above
8 provided, determines that the weight is unlawful, such officer may
9 require the driver to stop the vehicle in a suitable place and remain
10 standing until such portion of the load is removed as may be neces-
11 sary to reduce the gross weight of such vehicle to such limit as per-
12 mitted under this chapter. All material so unloaded shall be cared
13 for by the owner or operator of such vehicle at the risk of such owner
14 or operator.

15 Any driver of a vehicle who fails or refuses to stop and submit the
16 vehicle and load to a weighing, or who fails or refuses when directed
17 by an officer upon a weighing of the vehicle to stop the vehicle and
18 otherwise comply with the provisions of this section, shall be guilty
19 of a misdemeanor and punished as provided in section five hundred
20 (500).

1 **SEC. 490. Loading capacity.** Every motor truck or trailer shall be
2 registered at the maximum loading capacity which the owner in-
3 tends to carry thereon. Said capacity shall not be less than the
4 manufacturers rating of said vehicle. The owner having once regis-
5 tered his vehicle for any year may apply for an increased capacity
6 registration by paying the difference between the annual fee for the
7 higher capacity and the amount of the fee already paid. It shall
8 be unlawful for any person to operate a motor truck or trailer on
9 the public highways carrying a load of more than twenty-five per
10 cent in excess of the loading capacity for which it was registered.

1 **SEC. 491. Permits for excess size and weight.** The state highway
2 commission with respect to highways under its jurisdiction and local
3 authorities with respect to highways under their jurisdiction may, in
4 their discretion, upon application in writing and good cause being
5 shown therefor, issue a special permit in writing authorizing the
6 applicant to operate or move a vehicle or combination of vehicles of
7 a size or weight of vehicle or load exceeding the maximum specified
8 in this chapter or otherwise not in conformity with the provisions of
9 this chapter upon any highway under the jurisdiction of the party
10 granting such permit and for the maintenance of which said party
11 is responsible.

1 **SEC. 492. Application.** The application for any such permit shall
2 specifically describe the vehicle or vehicles and load to be operated
3 or moved and the particular highways for which permit to operate
4 is requested, and whether such permit is requested for a single trip
5 or for continuous operation.

1 **SEC. 493. Issuance.** The state highway commission or local au-
2 thority is authorized to issue or withhold such permit at its discre-
3 tion; or, if such permit is issued, to limit the number of trips, or to
4 establish seasonal or other time limitations within which the ve-
5 hicles described may be operated on the highways indicated, or other-
6 wise to limit or prescribe conditions of operation of such vehicle or
7 vehicles, when necessary to assure against undue damage to the road
8 foundations, surfaces or structures, and may require such under-
9 taking or other security as may be deemed necessary to compensate
10 for any injury to any roadway or road structure.

1 **SEC. 494. Carried in vehicle.** Every such permit shall be carried
2 in the vehicle or combination of vehicles to which it refers and shall
3 be open to inspection by any peace officer or authorized agent of any
4 authority granting such permit, and no person shall violate any of
5 the terms or conditions of such special permit.

1 **SEC. 495. Local authorities may restrict.** Local authorities with
2 respect to highways under their jurisdiction may by ordinance or
3 resolution prohibit the operation of vehicles upon any such high-
4 way or impose restrictions as to the weight of vehicles to be op-
5 erated upon any such highway, for a total period of not to exceed
6 ninety days in any one calendar year, whenever any said highway
7 by reason of deterioration, rain, snow, or other climatic conditions
8 will be seriously damaged or destroyed unless the use of vehicles
9 thereon is prohibited or the permissible weights thereof reduced.

1 **SEC. 496. Signs posted.** The local authority enacting any such
2 ordinance or resolution shall erect or cause to be erected and main-
3 tained signs designating the provisions of the ordinance or resolu-
4 tion at each end of that portion of any highway affected thereby, and
5 the ordinance or resolution shall not be effective unless and until
6 such signs are erected and maintained.

1 **SEC. 497. Limiting trucks.** Local authorities with respect to high-
2 ways under their jurisdiction may also, by ordinance or resolution,

*Note: In accordance with enrolled bill.

3 prohibit the operation of trucks or other commercial vehicles, or
 4 may impose limitations as to the weight thereof, on designated high-
 5 ways, which prohibitions and limitations shall be designated by ap-
 6 propriate signs placed on such highways.

1 **SEC. 498. Highway commission may restrict.** The state highway
 2 commission shall likewise have authority as hereinabove granted to
 3 local authorities to determine by resolution and to impose restrictions
 4 as to the weight of vehicles operated upon any highway under the
 5 jurisdiction of said commission and such restrictions shall be ef-
 6 fective when signs giving notice thereof are erected upon the high-
 7 way or portion of any highway affected by such resolution.

1 **SEC. 499. Liability for damage.** Any person driving any vehicle,
 2 object, or contrivance upon any highway or highway structure shall
 3 be liable for all damage which said highway or structure may sus-
 4 tain as a result of any illegal operation, driving, or moving of such
 5 vehicle, object, or contrivance, or as a result of operation, driving,
 6 or moving any vehicle, object, or contrivance weighing in excess of
 7 the maximum weight in this chapter but authorized by a special
 8 permit issued as provided in this chapter.

9 Whenever such driver is not the owner of such vehicle, object, or
 10 contrivance, but is so operating, driving, or moving the same with
 11 the express or implied permission of said owner, then said owner
 12 and driver shall be jointly and severally liable for any such damage.

13 Such damage may be recovered in a civil action brought by the
 14 authorities in control of such highway or highway structure.

PENALTIES

1 **SEC. 500. Penalties for misdemeanor.** It is a misdemeanor for any
 2 person to do any act forbidden or to fail to perform any act required
 3 by any of the provisions of this chapter unless any such violation is
 4 by this chapter or other law of this state declared to be a felony.
 5 Chapter one hundred eighty (180) of the code shall have no applica-
 6 tion in the prosecution of offenses committed in violation of this
 7 chapter.

8 Every person convicted of a misdemeanor for a violation of any
 9 of the provisions of this chapter for which another penalty is not
 10 provided shall be punished by a fine of not more than one hundred
 11 dollars or by imprisonment* for not more than thirty days.

1 **SEC. 501. Penalty for felony.** Any person who is convicted of a
 2 violation of any of the provisions of this chapter herein declared to
 3 constitute a felony, and for which another punishment is not other-
 4 wise provided, shall be punished by imprisonment* for a term of
 5 not more than five years, or by a fine of not less than five hundred
 6 dollars nor more than five thousand dollars, or by both such fine and
 7 imprisonment.

Note: Sec. 502 omitted in enrolled bill.

* Note: Place of imprisonment not fixed in enrolled bill.

PARTIES, PROCEDURE UPON ARREST, AND REPORTS IN
CRIMINAL CASES

1 **SEC. 503. Offenses by owners.** It is unlawful for the owner, or
2 any other person, employing or otherwise directing the driver of any
3 vehicle to require or knowingly to permit the operation of such ve-
4 hicle upon a highway in any manner contrary to law.

1 **SEC. 504. Notice to appear.** Whenever a person is arrested for
2 any violation of this chapter punishable as a misdemeanor, such per-
3 son may be immediately taken before a magistrate, or the arresting
4 officer may prepare in duplicate written notice to appear in court con-
5 taining the name and address of such person, the registration num-
6 ber of his vehicle, if any, the offense charged, and the time when
7 and place where such person shall appear in court. The place speci-
8 fied in said notice to appear must be before a magistrate within the
9 township or county in which the offense charged is alleged to have
10 been committed and who has jurisdiction of such offense.

1 **SEC. 505. Promise to appear.** Before the arrested person may be
2 released, as provided in section five hundred four (504), he must give
3 his written promise so to appear in court by signing in duplicate
4 the written notice prepared by the arresting officer. The original of
5 said notice shall be retained by said officer and the copy thereof de-
6 livered to the person arrested. Thereupon, said officer may release
7 the person arrested from custody.

1 **SEC. 506. Violation of promise to appear.** Any person wilfully
2 violating his written promise to appear in court, given as provided
3 in this chapter, is guilty of a misdemeanor, punishable as provided
4 in section five hundred (500) regardless of the disposition of the
5 charge upon which he was originally arrested.

6 A written promise to appear in court may be complied with by an
7 appearance by counsel.

1 **SEC. 507. Procedure not exclusive.** The foregoing provisions of
2 this chapter shall govern all peace officers in making arrests without
3 a warrant for violations of this chapter for offenses committed in
4 their presence, but the procedure prescribed herein shall not be ex-
5 clusive of any other method prescribed by law for the arrest and
6 prosecution of a person.

1 **SEC. 508. Record inadmissible in a civil action.** No record of the
2 conviction of any person for any violation of this chapter shall be
3 admissible as evidence in any court in any civil action.

1 **SEC. 509. Conviction not to affect credibility.** The conviction of
2 a person upon a charge of violating any provision of this chapter or
3 other traffic regulation less than a felony shall not affect or impair
4 the credibility of such person as a witness in any civil or criminal
5 proceeding.

1 **SEC. 510. Convictions to be reported.** Every magistrate or judge
2 of a court not of record and every clerk of a court of record shall keep
3 a full record of every case in which a person is charged with any
4 violation of this chapter or of any other law regulating the opera-
5 tion of vehicles on highways.

6 Within ten days after the conviction or forfeiture of bail of a
 7 person upon a charge of violating any provision of this chapter or
 8 other law regulating the operation of vehicles on highways every
 9 said magistrate of the court or clerk of the court of record in which
 10 such conviction was had or bail was forfeited shall prepare and im-
 11 mediately forward to the department an abstract of the record of
 12 said court covering the case in which said person was so convicted or
 13 forfeited bail, which abstract must be certified by the person so re-
 14 quired to prepare the same to be true and correct.

15 Said abstract must be made upon a form furnished by the depart-
 16 ment and shall include the name and address of the party charged,
 17 the registration number of the vehicle involved, the nature of the
 18 offense, the date of hearing, the plea, the judgment, or whether bail
 19 forfeited and the amount of the fine or forfeiture as the case may be.

20 Every clerk of a court of record shall also forward a like report to
 21 the department upon the conviction of any person of manslaughter
 22 or other felony in the commission of which a vehicle was used.

23 The failure, refusal, or neglect of any such officer to comply with
 24 any of the requirements of this section shall constitute misconduct
 25 in office and shall be ground for removal therefrom.

26 The department shall keep all abstracts received hereunder at its
 27 main office and the same shall be open to public inspection during
 28 reasonable business hours.

1 **SEC. 511. Liability for damages.** In all cases where damage is
 2 done by any car by reason of negligence of the driver, and driven
 3 with the consent of the owner, the owner of the car shall be liable for
 4 such damage.

1 **SEC. 512. Liability to guests.** The owner or operator of a motor
 2 vehicle shall not be liable for any damages to any passenger or per-
 3 son riding in said motor vehicle as a guest or by invitation and not
 4 for hire unless damage is caused as a result of the driver of said
 5 motor vehicle being under the influence of intoxicating liquor or be-
 6 cause of the reckless operation by him of such motor vehicle.

ACTIONS AGAINST NONRESIDENTS

1 **SEC. 513. Legal effect of use and operation.** The use and opera-
 2 tion of a motor vehicle in this state on the public highways thereof by
 3 a person who is a nonresident of this state shall be deemed:

4 1. An agreement by him that he shall be subject to the jurisdiction
 5 of the district court of this state over all civil actions and proceedings
 6 against him for damages to person or property growing or arising
 7 out of such use and operation, and

8 2. An appointment by such nonresident of the commissioner of the
 9 motor vehicle department of this state as his lawful attorney upon
 10 whom may be served all original notices of suit pertaining to such ac-
 11 tions and proceedings, and

12 3. An agreement by such nonresident that any original notice of
 13 suit so served shall be of the same legal force and validity as if per-
 14 sonally served on him in this state.

1 **SEC. 514. "Person" defined.** The term "person", as used in section
 2 five hundred thirteen (513) shall mean:

3 1. The owner of the vehicle whether it is being used and operated
4 personally by said owner, or by his agent.

5 2. An agent using and operating the vehicle for his principal.

6 3. Any person who is in charge of the vehicle and of the use and
7 operation thereof with the express or implied consent of the owner.

1 SEC. 515. **Original notice—form.** The original notice of suit filed
2 with the commissioner shall be in form and substance the same as
3 now provided in suits against residents of this state, except that that
4 part of said notice pertaining to the return day shall be in substan-
5 tially the following form, to wit:

6 "and unless you appear thereto and defend in the district court of
7 Iowa in and for county at the courthouse in
8 Iowa before noon of the sixtieth day following the filing of this notice
9 with the commissioner of the motor vehicle department of this state,
10 default will be entered and judgment rendered against you by the
11 court if then in session in said county, and if the court is not then in
12 session said default will be entered and judgment rendered by the
13 court on the first day of the first succeeding term or as soon thereafter
14 as the same may be reached."

1 SEC. 516. **Manner of service.** Plaintiff in any such action shall
2 cause the original notice of suit to be served as follows:

3 1. By filing a copy of said original notice of suit with said commis-
4 sioner, together with a fee of two dollars, and

5 2. By mailing to the defendant, and to each of the defendants if
6 more than one, within ten days after said filing with the commis-
7 sioner, by restricted registered mail addressed to the defendant at his
8 last known residence or place of abode, a notification of the said filing
9 with the commissioner.

1 SEC. 517. **Notification to nonresident—form.** The notification,
2 provided for in section five hundred sixteen (516), shall be in sub-
3 stantially the following form, to wit:

4 "To..... (Here insert the name of each defendant and
5 his residence or last known place of abode as definitely as known.)

6 You will take notice that an original notice of suit against you, a
7 copy of which is hereto attached, was duly served upon you at Des
8 Moines, Iowa, by filing a copy of said notice on theday of.....
9 19...., with the commissioner of the motor vehicle department of the
10 state of Iowa.

11 Dated at....., Iowa, this..... day of
12, 19....

13
14 Plaintiff.

15 By
16 Attorney for plaintiff."

1 SEC. 518. **"Restricted registered mail" defined.** The term "re-
2 stricted registered mail" means mail which carries on the face thereof,
3 in a conspicuous place where it will not be obliterated, the indorse-
4 ment, "Deliver to addressee only", and which also requires a return
5 receipt.

1 SEC. 519. **Optional notification.** In lieu of mailing said notifica-
2 tion to the defendant in a foreign state, plaintiff may cause said noti-

3 fication to be personally served in the foreign state on the defendant
4 by any adult person not a party to the suit, by delivering said notifica-
5 tion to the defendant or by offering to make such delivery in case de-
6 fendant refuses to accept delivery.

1 **SEC. 520. Proof of service.** Proof of the filing of a copy of said
2 original notice of suit with the commissioner, and proof of the mail-
3 ing or personal delivery of said notification to said nonresident shall
4 be made by affidavit of the party doing said acts. All affidavits of
5 service shall be indorsed upon or attached to the originals of the
6 papers to which they relate. All proofs of service, including the re-
7 turn registry receipt, shall be forthwith filed with the clerk of the
8 district court.

1 **SEC. 521. Actual service within this state.** The foregoing pro-
2 visions relative to service of original notice of suit on nonresidents
3 shall not be deemed to prevent actual personal service in this state
4 upon the nonresident in the time, manner, form and under the con-
5 ditions provided for service on residents.

1 **SEC. 522. Venue of actions.** Actions against nonresidents as con-
2 templated by this law may be brought in the county of which plaintiff
3 is a resident, or in the county in which the injury was received, or
4 damage done.

1 **SEC. 523. Continuances.** The court in which such action is pend-
2 ing shall grant such continuances to a nonresident defendant as may
3 be necessary to afford him reasonable opportunity to defend said ac-
4 tion.

1 **SEC. 524. Duty of commissioner.** The commissioner shall keep a
2 record of all notices of suit filed with him, shall not permit said filed
3 notices to be taken from his office except on an order of court, and
4 shall, on request, and without fee, furnish any defendant with a cer-
5 tified copy of the notice in which he is defendant.

1 **SEC. 525. Expenses and attorney fees.** If judgment is rendered
2 against the plaintiff, upon the trial of said action, said judgment shall
3 include the reasonable expenses incurred by the defendant and his
4 attorney in appearing to and defending against said action, provided
5 that in the judgment of the trial court said action was commenced
6 maliciously or without probable cause.

1 **SEC. 526. Dismissal—effect.** The dismissal of an action after
2 the nonresident has appeared under the substituted service herein au-
3 thorized, shall bar the recommencement of the same action against
4 the same defendant unless said recommenced action is accompanied
5 by actual personal service of the original notice of suit on said defend-
6 ant in this state.

1 **SEC. 527.** Chapter two hundred fifty-one (251), and all amend-
2 ments thereto, code 1935, are hereby repealed.

1 **SEC. 528.** Section two thousand ten (2010), code 1935, is amended
2 by striking from line eight of subdivision one the words, "secretary
3 of state" and inserting in lieu thereof the words "commissioner of
4 motor vehicles".

1 SEC. 529. Section two thousand eleven (2011), code 1935, is
2 amended by striking from lines one (1) and two (2) the words, "sec-
3 retary of state" and inserting in lieu thereof the words "commissioner
4 of motor vehicles"; also by striking from line five (5) of said section
5 the word "secretary" and inserting in lieu thereof the word "commis-
6 sioner".

1 SEC. 530. Section four thousand seven hundred fifty-five-b seven
2 (4755-b7), code 1935, is amended as follows, to wit:

3 Strike from lines eight (8), nine (9), and twelve (12) the word
4 "license" where it appears in said lines and insert in lieu thereof the
5 word "registration" in each case.

1 SEC. 531. Section five thousand one hundred five-a forty-one
2 (5105-a41), code 1935, is amended by striking from line two (2) the
3 word "license" and inserting in lieu thereof the word "registration".

1 SEC. 532. Section five thousand one hundred five-c seventeen
2 (5105-c17), code 1935, is amended as follows, to wit:

3 1. Strike from line three (3) the word "nineteen" and insert in
4 lieu thereof the word "eighteen".

5 2. Strike from lines six (6) and seven (7) the words, "if not the
6 owner of such motor truck".

1 SEC. 533. Section thirteen thousand ninety-two-d one (13092-d1),
2 code 1935, is amended by inserting in line five (5) after the word
3 "article" the following to wit:

4 " , except a motor vehicle,".

1 SEC. 534. Section four thousand six hundred twenty-seven
2 (4627), code 1935, is hereby repealed.

1 SEC. 535. Section four thousand six hundred eighty-six-c one
2 (4686-c1), code 1935, is hereby repealed.

1 SEC. 536. Section four thousand six hundred eighty-six-c two
2 (4686-c2), code 1935, is hereby repealed.

1 SEC. 537. Section five thousand one hundred five-a thirty-two
2 (5105-a32), code 1935, is hereby repealed.

1 SEC. 538. Section five thousand one hundred five-a thirty-three
2 (5105-a33), code 1935, is hereby repealed.

1 SEC. 539. Section five thousand one hundred five-a thirty-four
2 (5105-a34), code 1935, is hereby repealed.

1 SEC. 540. Section five thousand one hundred five-a thirty-five,
2 (5105-a35), code 1935, is hereby repealed.

1 SEC. 541. Section five thousand one hundred five-c eighteen
2 (5105-c18), code 1935, is hereby repealed.

1 SEC. 542. Section five thousand one hundred five-c nineteen
2 (5105-c19), code 1935, is hereby repealed.

1 SEC. 543. Section five thousand one hundred five-c twenty (5105-
2 c20), code 1935, is hereby repealed.

1 SEC. 544. Section five thousand one hundred five-c twenty-one
2 (5105-c21), code 1935, is hereby repealed.

1 SEC. 545. Section six thousand seven hundred fifty-four-c one
2 (6754-c1), code 1935, is hereby repealed.

1 SEC. 546. Section six thousand seven hundred fifty-four-c two
2 (6754-c2), code 1935, is hereby repealed.

1 SEC. 547. Sections twelve thousand two hundred twenty-two
2 (12222) to twelve thousand two hundred twenty-eight (12228), in-
3 clusive, code 1935, are hereby repealed.

1 SEC. 548. Sections thirteen thousand eleven (13011) to thirteen
2 thousand thirteen (13013), inclusive, code 1935, are hereby repealed.

1 SEC. 549. Section thirteen thousand ninety-two, (13092), code
2 1935, is hereby repealed.

1 SEC. 550. Sections thirteen thousand one hundred eighteen
2 (13118) and thirteen thousand one hundred nineteen (13119), code
3 1935, are hereby repealed.

1 SEC. 551. Sections thirteen thousand four hundred seventeen-a
2 one (13417-a1) and thirteen thousand four hundred seventeen-a two
3 (13417-a2), both of the code 1935, are hereby repealed.

1 SEC. 552. **Special charter cities.** The provisions of this chapter
2 shall apply to special charter cities.

1 SEC. 553. **Constitutionality.** If any part or parts of this chapter
2 shall be held to be unconstitutional, such unconstitutionality shall
3 not affect the validity of the remaining parts of this chapter. The
4 legislature hereby declares that it would have passed the remaining
5 parts of this chapter if it had known that such part or parts thereof
6 would be declared unconstitutional.

1 SEC. 554. The explanatory material, tables, index, notes and
2 historical references incorporated in this act shall not be considered
3 as any part of the enactment hereof and shall not be included in the
4 enrolled act.

Senate File 181. Approved April 19, 1937.